

# STATE OF MISSOURI

Division of Professional Registration

## MISSOURI STATE BOARD OF PODIATRIC MEDICINE

Chapter 330, RSMo  
&  
Rules and Regulations



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## **Missouri State Board of Podiatric Medicine**



**STATE OF MISSOURI**  
Division of Professional Registration

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# **Chapter 330**

## **PODIATRIC MEDICINE LAWS**

## CHAPTER 330-PODIATRIST

### 330.010. Definitions, ankle surgery, requirements for performing.

1. The word "board" whenever used in this chapter means the state board of podiatric medicine.

2. The definitions of the words "podiatrist" or "physician of the foot" shall for the purpose of this section be held to be the diagnosis, medical, physical, or surgical treatment of the ailments of the human foot, with the exception of administration of general anesthetics, or amputation of the foot and with the further exception that the definitions shall not apply to bone surgery on children under the age of one year. The use of such drugs and medicines in the treatment of ailments of the human foot shall not include the treatment of any systemic diseases. For the purposes of this chapter, the term "human foot" includes the ankle and the tendons which insert into the foot as well as the foot. For surgery of the ankle only, the doctor of podiatric medicine licensed pursuant to this chapter shall either be board certified in foot and ankle surgery by the American Board of Podiatric Surgery or shall complete a twenty-four-month postgraduate clinical residency in podiatric surgery; provided, however, any newly licensed doctor of podiatric medicine desiring to perform ankle surgery and licensed pursuant to this chapter after January 1, 2005, shall be required to complete a twenty-four-month postgraduate clinical residency in podiatric surgery. Nothing in this section shall be construed to prohibit a doctor of podiatric medicine from performing ankle surgery under the direct supervision of a doctor who is authorized to perform surgery of the ankle. Surgical treatment of the ankle by a doctor of podiatric medicine shall be performed only in a licensed acute care hospital or a licensed ambulatory surgical clinic. A doctor of podiatric medicine performing ankle surgery shall be required to complete the biennial continuing medical education hourly credit requirements as established by the state board of podiatric medicine. The doctor of podiatric medicine shall have obtained approval of the physician's credentialing committee of a licensed acute care hospital or a licensed ambulatory surgical clinic.

(RSMo 1939 §§ 9796, 9808, A.L. 1945 p. 965, A.L. 1961 p. 500, A.L. 1969 S.B. 69, A.L. 1976 S.B. 667, A.L. 1995 S.B. 69, et al., A.L. 1998 H.B. 1601, et al., A.L. 2005 H.B. 402 merged with S.B. 178)

Prior revisions: 1929 §§ 9075, 9087; 1919 §§ 5831, 5843

### 330.020. Practice of podiatric medicine--license.

No one shall practice podiatric medicine in this state unless duly licensed as provided by law.

(RSMo 1939 § 9795, A.L. 1945 p. 965, A.L. 1981 S.B. 16, A.L. 2005 H.B. 402 merged with S.B. 178)

Prior revisions: 1929 § 9074; 1919 § 5830

### 330.030. Issuance of license--qualifications--examination--fees--reciprocity with other states.

Any person desiring to practice podiatric medicine in this state shall furnish the board with satisfactory proof, including a statement under oath or affirmation that all representations are true and correct to the best knowledge and belief of the person submitting and signing same, subject to the penalties of making a false affidavit or declaration, that he or she is twenty-one years of age or over, and of good moral character, and that he or she has received at least four years of high school training, or the equivalent thereof, and has received a diploma or certificate of graduation from an approved college of podiatric medicine, recognized and approved by the board, having a minimum requirement of two years in an accredited college and four years in a recognized college of podiatric medicine. Upon payment of the examination fee, and making satisfactory proof as aforesaid, the applicant shall be examined by the board, or a committee thereof, under such rules and regulations as said board may determine, and if found qualified, shall be licensed, upon payment of the license fee, to practice podiatric medicine as licensed; provided, that the board shall, under regulations established by the board, admit without examination legally qualified practitioners of podiatric medicine who hold licenses to practice podiatric medicine in any state or territory of the United States or the District of Columbia or any foreign country with equal educational requirements to the state of Missouri upon the applicant paying a fee equivalent to the license and examination fees required above.

(RSMo 1939 § 9798, A.L. 1943 p. 580, A.L. 1945 p. 965, A.L. 1947 V. I p. 319, A.L. 1953 p. 614, A.L. 1965 p. 520, A.L. 1981 S.B. 16, A.L. 2005 H.B. 402 merged with S.B. 178)

Prior revisions: 1929 § 9077; 1919 § 5833

### 330.040. Contents of examination--grading.

Examinations shall be in the English language, and shall be written, oral, or clinical, or a combination of two or

more of the said methods as the board shall determine and provide by rule. The examination shall and will consist of the examination offered by the National Board of Podiatric Medical Examiners, as well as an examination of applicable Missouri statutes and regulations which shall be promulgated or approved by the board. The examination shall embrace the subjects of anatomy, physiology, chemistry, bacteriology, surgery, histology, pathology, diagnosis and treatment, *materia medica* and therapeutics as these subjects relate to antiseptics and anesthetics, and clinical podiatric medicine, but said examinations shall be so limited in their scope as to cover only the minimum requirements for podiatric medical education as herein provided, and shall not be construed to require of the applicant a medical or surgical education other than deemed necessary for the practice of podiatric medicine. The board shall by rule and regulation prescribe the standard for successful completion of the examination.

*(RSMo 1939 § 9799, A.L. 1981 S.B. 16, A.L. 2005 H.B. 402 merged with S.B. 178)*

*Prior revisions: 1929 § 9078; 1919 § 5834*

**330.045. Board of podiatric medicine to establish rules for license qualifications.**

Every applicant for a permanent license as a podiatrist shall provide the state board of podiatric medicine with satisfactory evidence of having successfully completed such postgraduate training in hospitals and such other clinical and surgical settings as the board may prescribe by rule.

*(L. 1993 H.B. 100 merged with S.B. 27, A.L. 1995 S.B. 3, A.L. 1998 H.B. 1601, et al., A.L. 2005 H.B. 402 merged with S.B. 178)*

**330.050. Form of license--display required.**

1. Upon due application therefor and upon submission by such person of evidence satisfactory to the board that such person is licensed to practice podiatric medicine in this state, and upon the payment of the fees required to be paid by this chapter, the board shall cause to be issued to such applicant a license, which license shall recite that the person therein named is duly registered for the period specified.

2. Such license shall contain the name of the person to whom it is issued and the office address of such person, the date and number of the license issued to such person to practice podiatric medicine.

3. Every person practicing podiatric medicine shall, upon receiving such license, cause the same to be conspicuously displayed at all times in every office maintained by such person or in which he practices podiatric medicine in this state. If such person maintains or practices in more than one office in this state, the board shall issue to such person a duplicate license for each office so maintained or in which such person may practice. If such person maintains or practices in more than one office in this state, the board shall issue to such person duplicate renewal licenses for each office so maintained or in which such person may practice.

4. If any registrant shall change the location of his office during the period for which any license shall have been issued, such registrant shall, within fifteen days thereafter, notify the board of such change, whereupon he shall be issued, without additional fee, a duplicate renewal license for such new location.

*(L. 1945 p. 965 § 9798b, A.L. 1981 S.B. 16, A.L. 2005 H.B. 402 merged with S.B. 178)*

**330.065. Temporary license, interns/residents, qualifications--fee.**

1. Any person desiring to serve a period of internship/residency in a Missouri hospital may do so without obtaining a permanent license from the board if he or she qualifies for and obtains a temporary license for internship/residency from the board for a two-year period.

2. The board shall grant a temporary license for internship/residency upon proper application if it finds:

(1) That the applicant has graduated from a college of podiatric medicine recognized and approved by the board; and

(2) That the applicant has successfully passed an examination of the National Board of Podiatric Medical Examiners or any successor thereof; and

(3) That the internship/residency program the applicant intends to enter is offered by a Missouri hospital accredited by the American Podiatric Medical Association.

3. Any person desiring to obtain a temporary license shall make application to the board with evidence that he or she meets the requirements of this section. There shall be a fee paid by the applicant for the temporary license, such fee to be paid upon the issuance of the license. There shall be an application fee which shall accompany all applications for a temporary license and shall be nonrefundable.

4. If during the period of internship/residency specified in the temporary license, the holder thereof shall transfer from the internship/residency program offered by the hospital specified in his or her application, the holder must, before such transfer, receive approval for the transfer from the board. Upon approval of the transfer, the new temporary license shall remain valid for a two-year period from the original date of issuance.

*(L. 1981 S.B. 16, A.L. 2005 H.B. 402 merged with S.B. 178)*

**330.070. Renewal of licensure, application, contents--postgraduate study required--failure to receive renewal form, effect.**

1. The board shall on or before the first day of the month preceding the biennial license renewal date cause to be mailed to each person licensed to practice podiatric medicine in this state, at the last known office or residence address of such person, a blank application form for such person's biennial license renewal.

2. Each person applying for biennial license renewal shall complete the form and return it to the board on or before the renewal date for the licensing period for which the person desires to be registered.

3. Each applicant shall give on the form such applicant's full name and the applicant's office address.

4. Each applicant shall give with the application for biennial license renewal satisfactory evidence of completion of twenty-four hours of postgraduate study for each renewal period since the last issuance or renewal of the license. The postgraduate study required shall be that presented by a college of podiatric medicine accredited by the American Podiatric Medical Association or a course of study approved by the board.

5. Failure of the registrant to receive the renewal form shall not relieve any registrant of the duty to register and pay the fee required by this chapter nor exempt any such person from the penalties provided by this chapter for failure to register.

*(L. 1945 p. 965 § 9798a, A.L. 1947 V. I p. 319, A.L. 1971 S.B. 16, A.L. 1981 S.B. 16, A.L. 1999 H.B. 265, A.L. 2005 H.B. 402 merged with S.B. 178)*

**330.080. License renewal fee, when paid.**

Each applicant for biennial license renewal under this chapter shall accompany the application for biennial license renewal with a biennial renewal fee to be paid to the director of revenue for the licensing period for which licensure is sought. If said application be filed and said fee paid after the biennial renewal date, there shall be a late fee in addition to the biennial license renewal fee; provided, however, that whenever in the opinion of the board the applicant's failure to renew the license was caused by extenuating circumstances including illness of the applicant, as defined by rule, the late fee may be waived by such board, and provided further, that whenever any license is granted to any person to practice podiatric medicine under the provisions of this chapter, the board shall upon application therefor cause to be issued to such licensee a biennial license renewal covering the period from the date of the issuance of such license to the next biennial license renewal date without the payment of the late fee.

*(L. 1945 p. 1965 § 9798c, A.L. 1947 V. I p. 319, A.L. 1965 P. 520, A.L. 1981 S.B. 16, A.L. 2005 H.B. 402 merged with S.B. 178)*

**330.090. Retirement of a person engaged in practice of podiatric medicine.**

Any person licensed to practice podiatric medicine in this state who has retired or may hereafter retire from such practice shall not be required to register as required by this chapter, provided such person shall file with the board an affidavit which states the date on which the person retired from the practice of podiatric medicine and such other facts as shall tend to verify the person's retirement as the board deems necessary; provided, however, that if such person thereafter reengage in the practice of podiatric medicine, the person shall reapply with the board as provided by section 330.030. The retired applicant shall and will be required to submit evidence of satisfactory completion of the applicable continuing education requirements as well as submitting the licensing, processing,

and administration fees established by the board.

(L. 1945 p. 965 § 9798d, A.L. 1981 S.B. 16, A.L. 1995 S.B. 69, et al., A.L. 2005 H.B. 402 merged with S.B. 178)

**330.095. Issuance of inactive license, when.**

The board is authorized to issue an inactive license to any licensee who makes written application for such license on a form provided by the board and remits the fee for an inactive license established by the board. An inactive license may be issued only to a person who has previously been issued a license to practice podiatry in the state of Missouri, who is no longer regularly engaged in such practice and who does not hold himself or herself out to the public as being professionally engaged in such practice in the state of Missouri. Each inactive license shall be subject to all provisions of this chapter, except as otherwise specifically provided. Each inactive license may be renewed by the board subject to all provisions of this section and all other provisions of this chapter. The inactive licensee shall not be required to submit evidence of completion of continuing education as required by this chapter. An inactive licensee may apply for a license to regularly engage in the practice of podiatry upon filing a written application with the board, submitting evidence of satisfactory completion of the applicable continuing education requirements established by the board and submitting the license fee established by the board.

(L. 1999 H.B. 265)

**330.100. Establishment of board--meetings.**

There is hereby created and established a "State Board of Podiatric Medicine" for the purpose of licensing all practitioners of podiatric medicine in this state, which board shall have such other powers and duties as are provided by this chapter. The board shall meet annually and at such other times and places as a majority of the board shall designate.

(L. 1945 p. 635 § 1, A. 1949 H.B. 2070, A.L. 1981 S.B. 16, A.L. 1995 S.B. 69, et al., A.L. 2005 H.B. 402 merged with S.B. 178)

**330.110. Board of podiatric medicine--appointment--terms--compensation --qualifications.**

1. The board shall be composed of five members including one voting public member, to be appointed by the governor with the advice and consent of the senate. Vacancies on the board shall be filled in like manner. The term of office of each member shall be four years. Each member of the board shall receive as compensation an amount set by the board not to exceed seventy dollars for each day devoted to the affairs of the board, and shall be entitled to reimbursement of the member's expenses necessarily incurred in the discharge of the member's official duties. All members of the board, except the public member, shall be doctors of surgical podiatric medicine duly registered and licensed pursuant to the laws of this state, shall be United States citizens, shall have been residents of this state for at least one year next preceding their appointment and shall have been engaged in the lawful and ethical practice of podiatric medicine for a period of not less than five years. Not more than two of the podiatrists shall belong to the same political party. Members of the board shall not be directly or indirectly interested in any podiatric medical college or the podiatric medical department of any institution of higher learning or in any podiatric medical supply or shoe business. The president of the Missouri Podiatric Medical Association in office at the time shall, at least ninety days prior to the expiration of the term of a board member, other than the public member, or as soon as feasible after a vacancy on the board otherwise occurs, submit to the director of the division of professional registration a list of five doctors of surgical podiatric medicine qualified and willing to fill the vacancy in question, with the request and recommendation that the governor appoint one of the five persons so listed, and with the list so submitted, the president of the Missouri Podiatric Medical Association shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association.

2. The public member shall be at the time of the member's appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

(L. 1945 p. 635 § 2, A.L. 1965 p. 520, A.L. 1980 H.B. 1266, A.L. 1981 S.B. 16, A.L. 1988 H.B. 1573, A.L. 1995 S.B.

*Public member, additional duties, RSMo 620.132*

**330.130. Quorum.**

At all meetings of the board three members shall be necessary to constitute a quorum for the transaction of business.

(L. 1945 p. 635 § 4)

**330.140. Organization of board--power to make rules and set fees--rulemaking, procedure.**

1. The board shall elect one of its members president, one vice president, and one secretary. The board shall have the power to promulgate rules and regulations necessary to administer and enforce the provisions of this chapter and to adopt and use a common seal. The board shall create no expenses exceeding the sum received from time to time as fees provided by law.

2. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998. All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and repealed as of August 28, 1998, however nothing in this act\* shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to August 28, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act\* shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.

(L. 1945 p. 635 § 5, A.L. 1981 S.B. 16, A.L. 1993 S.B. 52, A.L. 1995 S.B. 3, A.L. 1998 H.B. 1601, et al.)

\*\*"This act" (H.B. 1601, et al., 1998) contains numerous sections. Consult Disposition of Sections table for definitive listing.

**330.150. Fees, collection and disposition--board fund established, transferred to general revenue, when.**

1. All fees provided for in this chapter shall be payable to the director of the division of professional registration who shall keep a record of the account showing the total payments received and shall immediately transmit same to the department of revenue for deposit in the state treasury to the credit of a fund to be known as the "State Board of Podiatric Medicine Fund". All the salaries and expenses for the operation of the board shall be appropriated and paid from such fund; provided, however, the board shall create no expense exceeding the sum received from time to time as fees as provided by law. Any funds remaining in the state board of podiatry fund on August 28, 1995, shall be transferred to the state board of podiatric medicine fund.

2. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the board's funds for the preceding fiscal year or, if the board requires, by rule, permit renewal less frequently than yearly, then three times the appropriation from the board's funds for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriation from the board's funds for the preceding fiscal year.

(L. 1945 p. 965 § 9798e, A.L. 1981 S.B. 16, A.L. 1985 S.B. 99, A.L. 1995 S.B. 69, et al.)

**330.160. Denial, revocation, or suspension of certificate, grounds for.**

1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, repeated negligence, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice pursuant to this chapter;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed. False, misleading or deceptive advertisements or solicitations shall include, but not be limited to:

(a) Promises of cure, relief from pain or other physical or mental condition, or improved physical or mental health;

(b) Any self-laudatory statement;

(c) Any misleading or deceptive statement offering or promising a free service. Nothing in this paragraph shall be construed to make it unlawful to offer a service for no charge if the offer is announced as part of a full disclosure of routine fees including consultation fees;

(d) Any misleading or deceptive claims of patient cure, relief or improved condition; superiority in service, treatment or materials; new or improved service, treatment or material; or reduced costs or greater savings. Nothing in this paragraph shall be construed to make it unlawful to use any such claim if it is readily verifiable by existing documentation, data or other substantial evidence. Any claim which exceeds or exaggerates the scope of its supporting documentation, data or evidence is misleading or deceptive;

(15) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

(16) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the certificate of registration or authority, permit, or license.

4. In any order of revocation, the board may provide that the person may not apply for reinstatement of the person's certificate of registration or authority, permit, or license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

5. Before restoring to good standing a certificate of registration or authority, permit, or license that has been revoked, suspended, or inactive for any cause more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

*(RSMo 1939 §§ 9802, 9803, A.L. 1951 p. 730, A.L. 1981 S.B. 16, A.L. 1999 H.B. 265, A.L. 2005 H.B. 402 merged with S.B. 178)*

*Prior revisions: 1929 §§ 9081, 9082; 1919 §§ 5837, 5838*

### **330.180. Chapter not applicable to surgical officers of the army, or certain others.**

This chapter shall not apply to the commissioned surgical officers of the United States Army, Navy or Marine hospital service when in the actual performance of their official duties, nor to any physician duly registered, nor to any legally registered podiatrist of another state, taking charge of the practice of a legally registered podiatrist of this state temporarily during the latter's absence therefrom upon the written request to the board of said registered podiatrist of this state. This chapter shall further not apply to manufacturers of and dealers in shoes or corrective appliances for deformed feet; provided, however, that such manufacturers and dealers shall not be entitled to practice podiatric medicine, as in this chapter defined, unless duly licensed so to do as herein provided.

*(RSMo 1939 § 9809, A.L. 1981 S.B. 16, A.L. 2005 H.B. 402 merged with S.B. 178)*

*Prior revisions: 1929 § 9088; 1919 § 5844*

### **330.190. Board to enforce law and employ personnel.**

The board shall investigate all complaints of violations of the provisions of this chapter as provided in subdivision (6) of subsection 16 of section 620.010, RSMo, and shall report any such violations to the proper prosecuting officers or other public officials charged with the enforcement of the provisions of this chapter. The board may employ such board personnel, as defined in subdivision (4) of subsection 16 of section 620.010, RSMo, as it deems necessary within appropriations therefor.

*(RSMo 1939 § 9805, A.L. 1951 p. 730, A.L. 1981 S.B. 16)*

Prior revisions: 1929 § 9084; 1919 § 5840

**330.195. Injunction used to enjoin practicing podiatry without a license or license holder who is a substantially serious danger to health and safety, venue.**

1. Upon application by the board, and the necessary burden having been met, a court of general jurisdiction may grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration or authority, permit or license is required by this chapter upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit or license; or

(2) Engaging in any practice or business authorized by a certificate of registration or authority, permit or license issued pursuant to this chapter upon a showing that the holder presents a substantial probability of serious danger to the health, safety or welfare of any resident of the state or client or patient of the licensee.

2. Any such action shall be commenced either in the county in which such conduct occurred or in the county in which the defendant resides.

3. Any such action brought under this section shall be in addition to and not in lieu of any penalty provided by this chapter and may be brought concurrently with other actions to enforce this chapter.

(L. 1993 H.B. 100 merged with S.B. 27)

**330.200. Evidence of practice.**

It shall be deemed prima facie evidence of the practice of podiatric medicine, or of holding oneself out as a practitioner within the meaning of this chapter, for any person to treat in any manner the human foot by medical, mechanical, or surgical methods, or to use the title "podiatrist" or "registered podiatrist", or any other words, or letters, which designate, or tend to designate, to the public that the person so treating or holding himself or herself out to treat, is a podiatrist.

(RSMo 1939 § 9801, A.L. 1981 S.B. 16, A.L. 2005 H.B. 402 merged with S.B. 178)

Prior revisions: 1929 § 9080; 1919 § 5836

**330.210. Fraud, false representation, unlicensed practice--penalty.**

Any person who shall unlawfully obtain licensure under this chapter, whether by false or untrue statements contained in his or her application to the board by presenting to said board a fraudulent diploma, certificate, or license, or one fraudulently obtained shall be deemed guilty of a class B misdemeanor; and any person not being lawfully authorized to practice podiatric medicine in this state and licensed as aforesaid, who shall advertise as a podiatrist, in any form, or hold himself out to the public as a podiatrist or who shall practice as a podiatrist shall be guilty of a class A misdemeanor.

(RSMo 1939 § 9800, A. 1949 H.B. 2070, A.L. 1981 S.B. 16, A.L. 2005 H.B. 402 merged with S.B. 178)

Prior revisions: 1929 § 9079; 1919 § 5835

# **PODIATRIC MEDICINE REGULATIONS**

**Title 20—DEPARTMENT OF  
INSURANCE, FINANCIAL  
INSTITUTIONS AND  
PROFESSIONAL REGISTRATION**  
**Division 2230—State Board of Podiatric  
Medicine**  
**Chapter 1—Organization and  
Description of Board**

**20 CSR 2230-1.010 General Organization**

*PURPOSE: This rule is a description of the board's operation and the methods and procedures where the public may obtain information or make submissions or requests.*

- (1) Whenever used in this division, the word board means the State Board of Podiatric Medicine.
- (2) The State Board of Chiropody was created by an act of the 63rd General Assembly. The name of the State Board of Chiropody was changed to the State Board of Podiatry by an act of the 75th General Assembly. The name of the State Board of Podiatry was changed to the State Board of Podiatric Medicine by an act of the 88th General Assembly.
- (3) The board consists of four (4) Missouri-licensed doctors of podiatric medicine and one (1) public member. The governor appoints the members of the board with the advice and consent of the senate, from nominees submitted by the director of the Division of Professional Registration. The term of office of each member is four (4) years.
- (4) The board is authorized by section 330.140, RSMo to adopt rules necessary to administer and enforce the provisions of Chapter 330, RSMo.
- (5) The board has superintending control over the practice of podiatric medicine within this state. The board's primary duties consist of:
  - (A) Examining and licensing applicants;
  - (B) Approving colleges of podiatric medicine;
  - (C) Approving continuing education programs;
  - (D) Issuing temporary licenses for internship/residencies; and
  - (E) Disciplining licenses of doctors found guilty of violating the provisions of Chapter 330, RSMo.
- (6) The board shall have at least one (1) regularly scheduled annual meeting and such other meetings as determined by the board. The time and location for each meeting may be obtained by contacting the board office at PO Box 423, Jefferson City, MO 65102-0423 or by visiting the board's website at <http://pr.mo.gov/podiatrists.asp>.
- (7) All board meetings will be governed by Roberts' Rules of Order.
- (8) Members of the public may obtain information from the board or make submissions to the board, by writing the board office at PO Box 423, Jefferson City, MO 65102-0423 or by visiting the board's website at <http://pr.mo.gov/podiatrists.asp>.

*AUTHORITY: sections 330.140, RSMo 2000 and 536.023.3, RSMo Supp. 2006.\* This rule originally filed as 4 CSR 230-1.010. Original rule filed Dec. 23, 1975, effective Jan. 2, 1976. Rescinded and readopted: Filed Dec. 9, 1981, effective March 11, 1982. Amended: Filed Oct. 30, 1997, effective April 30, 1998. Amended: Filed Sept. 1, 2004, effective March 30, 2005. Moved to 20 CSR 2230-1.010, effective Aug. 28, 2006. Amended: Filed July 11, 2007, effective Jan. 30, 2008.*

*\*Original authority: 330.140, RSMo 1945, amended 1981, 1993, 1995, 1998 and 536.023, RSMo 1975, amended 1976, 1997, 2004.*

**20 CSR 2230-1.020 Board Member Compensation**

*PURPOSE: This rule fixes the compensation for the members of the State Board of Podiatric Medicine in compliance with the mandates of section 330.110.1, RSMo.*

- (1) Each member of the State Board of Podiatric Medicine shall receive the sum of seventy dollars (\$70) as compensation for each day that member devotes to the affairs of the board.
- (2) In addition to the compensation fixed herein, each member is entitled to reimbursement of his/her expenses necessarily incurred in the discharge of his/her official duties.
- (3) No request for compensation provided herein shall be processed for payment unless sufficient funds are available for that purpose within the appropriations for this board.

*AUTHORITY: sections 330.110, RSMo Supp. 2006 and 330.140, RSMo 2000.\* This rule originally filed as 4 CSR 230-1.020. Emergency rule filed Sept. 17, 1981, effective Sept. 28, 1981, expired Dec. 28, 1981. Original rule filed Sept. 17, 1981, effective Jan. 14, 1982. Amended: Filed Oct. 30, 1997, effective April 30, 1998. Amended: Filed Sept. 1, 2004, effective March 30, 2005. Moved to 20 CSR 2230-1.020, effective Aug. 28, 2006. Amended: Filed July 11, 2007, effective Jan. 30, 2008.*

*\*Original authority: 330.110, RSMo 1945, amended 1965, 1980, 1981, 1988, 1995, 1999, 2005 and 330.140, RSMo 1945, amended 1981, 1993, 1995, 1998.*

**20 CSR 2230-1.030 Definitions**

*PURPOSE: This rule defines terms used in 4 CSR 230.*

- (1) Board—whenever used in these rules, unless stated otherwise, the term board means the State Board of Podiatric Medicine in the state of Missouri.
- (2) Certificate of Registration—as referred to in Chapter 330, RSMo and these rules means license to prac-

tice podiatric medicine in the state of Missouri.

(3) Postgraduate clinical residency—a formal, structured postgraduate training program of at least twelve (12) months which is approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association. Postgraduate clinical residency programs must be sponsored by and conducted in an institution such as a hospital, or conducted by a college of podiatric medicine accredited by the Council on Podiatric Medical Education of the American Podiatric Medical Association.

(4) Missouri Law Examination—Missouri Law Examination covers knowledge of Chapter 330, RSMo and the rules governing the practice of podiatric medicine in the state of Missouri.

(5) National Board Examination—Part 1, Part 2, Part 3 (formally known as the Podiatric Medical Licensing Examination for States, PMLexis) developed and administered by the National Board of Podiatric Medical Examiners (NBPME), or designee of the board.

(6) Reporting period for continuing medical education requirements—the twenty-four (24)-month period immediately preceding the biennial licensure renewal date, which is February 28 of each even-numbered year.

*AUTHORITY: sections 330.010, 330.040, 330.050, 330.070 and 330.140, RSMo 2000.\* This rule originally filed as 4 CSR 230-1.030. Original rule filed Sept. 1, 2004, effective March 30, 2005. Moved to 20 CSR 2230-1.030, effective Aug. 28, 2006.*

*\*Original authority: 330.010, RSMo 1939, amended 1945, 1961, 1969, 1976, 1995, 1998; 330.040, RSMo 1939, amended 1981; 330.050, 1945, amended 1981; 330.070, RSMo 1945, amended 1947, 1971, 1981, 1999; and 330.140, RSMo 1945, amended 1981, 1993, 1995, 1998.*

**Title 20—DEPARTMENT OF  
INSURANCE, FINANCIAL  
INSTITUTIONS AND  
PROFESSIONAL REGISTRATION**  
**Division 2330—State Board of Podiatric  
Medicine**  
**Chapter 2—General Rules**

**20 CSR 2230-2.010 Application for Licensure by  
Examination**

*PURPOSE: This rule outlines the requirements and procedures for obtaining a podiatry license by examination.*

(1) Application for a permanent Missouri license to practice podiatric medicine must be made on the forms provided by the board.

(2) Application forms may be obtained from the board

office at PO Box 423, Jefferson City, MO 65102-0423 or by visiting the board's website at <http://pr.mo.gov/podiatrists.asp>. A copy of the current statutory provisions and board rules regarding the practice of podiatric medicine will be provided with the application form.

(3) No application will be considered unless it is fully completed and properly attested. Items necessary to complete the application include:

(A) Each section on the application form itself;

(B) A recent photograph;

(C) The current Permanent Application Processing Fee;

(D) An official transcript from the college of podiatric medicine from which the applicant graduated. If the applicant has attended more than one college of podiatric medicine in order to obtain all of his/her credits for graduation, the applicant shall submit official transcripts from all colleges he/she attended;

(E) A certified score report from the National Board of Podiatric Medical Examiners or such other designee of the board, certifying satisfactory completion of all parts of the National Board Examination;

(F) Proof that the applicant's fingerprints have been submitted to the Missouri State Highway Patrol for criminal history records checks; and

(G) Proof of good moral character in the form of reference letters from persons who have known the applicant for at least two (2) years, on forms provided by the board, from three (3) of the following four (4) classes of individuals:

1. An employer;

2. A teacher or other instructor of podiatric medicine;

3. A high school or undergraduate college instructor; and

4. A member of the community where the applicant resides.

(4) Every applicant for a permanent Missouri license graduating from a podiatric medical school in 1994 and thereafter shall provide the State Board of Podiatric Medicine with satisfactory evidence of having completed an acceptable postgraduate clinical residency.

(5) For purposes of this rule, a postgraduate clinical residency is a formal, structured postgraduate training program of at least twelve (12) months which is approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association. Postgraduate clinical residency programs must be sponsored by and conducted in an institution such as a hospital, or conducted by a college of podiatric medicine accredited by the Council on Podiatric Medical Education of the American Podiatric Medical Association.

(6) Applicants desiring to perform ankle surgery will be required to complete a twenty-four (24)-month postgraduate clinical residency in podiatric surgery.

(7) All applicants must be evaluated upon completion of at least a twelve (12)-month postgraduate clinical residency program by the residency director, using forms provided by the board, which will attest to the

applicant's competence in the practice of podiatric medicine and surgery.

(8) The applicant shall request that the regulatory entity in each state, United States territory, province, or country in which a license, certificate, registration or permit is held or has ever been held submit verification of licensure, certification, registration or permit directly to the board. The verification shall include the license, registration, certification or permit issued; the number; status; issue and expiration dates; information regarding any disciplinary action; method of licensure, registration or certification; the name and title of person verifying information; the date; and the entity's seal.

(9) Each applicant must successfully complete the examination(s) developed and administered by the National Board of Podiatric Medical Examiners (NBPME) or such other designee of the board and successfully complete the Missouri Law Examination administered by the State Board of Podiatric Medicine. The applicants achieving a passing score as established by NBPME or such other designee of the board on the National Board Examinations and achieving at least ninety percent (90%) on the open book test for the Missouri Law Examination, shall be deemed to have passed the board's examination. The applicant will be required to pay the Missouri Law Examination Administration Fee directly to the board office. The NBPME examinations are computer-based examinations. The National Board Examinations are administered by the Chauncey Group International for the NBPME, or such other designee of the board. Applicants must submit a completed registration form along with the test fee and school transcript directly to the Chauncey Group or designee of the board.

*AUTHORITY: sections 330.010 and 330.040, RSMo Supp. 2006 and 330.140, RSMo 2000.\* This rule originally filed as 4 CSR 230-2.010. Original rule filed Dec. 23, 1975, effective Jan. 2, 1976. Rescinded and readopted: Filed Dec. 9, 1981, effective March 11, 1982. Amended: Filed Nov. 12, 1982, effective Feb. 11, 1983. Amended: Filed Oct. 24, 1983, effective March 11, 1984. Amended: Filed Nov. 5, 1984, effective March 11, 1985. Emergency amendment filed Oct. 13, 1989, effective Nov. 11, 1989, expired March 10, 1990. Amended: Filed Oct. 13, 1989, effective Jan. 12, 1990. Amended: Filed March 4, 1991, effective Sept. 30, 1991. Amended: Filed Feb. 4, 1992, effective June 25, 1992. Amended: Filed Aug. 9, 1993, effective March 10, 1994. Amended: Filed June 1, 1999, effective Nov. 30, 1999. Amended: Filed Sept. 1, 2004, effective March 30, 2005. Moved to 20 CSR 2230-2.010, effective Aug. 28, 2006. Amended: Filed July 11, 2007, effective Jan. 30, 2008.*

*\*Original authority: 330.010, RSMo 1939, amended 1945, 1961, 1969, 1976, 1995, 1998, 2005; 330.040, RSMo 1939, amended 1981, 2005; and 330.140, RSMo 1945, amended 1981, 1993, 1995, 1998.*

*Op. Atty. Gen. No. 133, Fulkerson (3-6-70). The General Business and Corporation Law of Missouri, which permits corporations to be organized for any lawful purpose, does not authorize organization of a corporation to engage in practice of chiropody-podiatry where statute regulating such practice contemplates only licensing of individuals.*

*Op. Atty. Gen. No. 37, Hansen (6-27-56). It would not be lawful for the State Board of Chiropody to accept the examination of the National Board of Chiropody Examiners as a written examination given by the board and in lieu of examination by the board.*

## **20 CSR 2230-2.020 Professional Conduct Rules**

*PURPOSE: This rule ensures that licensed podiatrists and their affiliated firms are registered correctly with the secretary of state and with the State Board of Podiatric Medicine and also ensures that a licensee with this board files a list of assumed trade names or any other names the licensee shall use, other than what is registered with the board.*

(1) The practice of podiatric medicine under a trade name or assumed name is prohibited, unless the trade name or assumed name is properly registered with the secretary of state pursuant to the provisions of sections 417.200-417.230, RSMo, or otherwise.

(2) Every person licensed to engage in the practice of podiatric medicine in this state shall file with the board a list of assumed names, trade names, or any names other than the name under which a license to practice has been issued by the board, that is used in his or her practice, before using such name.

(3) A person engaged in the practice of podiatric medicine under any assumed name, trade name, or any name other than the name under which a license to practice has been issued by the board, shall immediately disclose to any person, upon request and without condition, the licensed name of each and every person involved in the practice of podiatric medicine under the assumed name, trade name, or any other name.

(4) A person engaged in the practice of podiatric medicine shall require any subordinate to immediately disclose to any person, upon request and without condition, the licensed name of each and every person involved in the practice of podiatric medicine under an assumed name, trade name, or any other name.

*AUTHORITY: sections 330.140, RSMo 2000 and 330.160.2, RSMo Supp. 2006.\* This rule originally filed as 4 CSR 230-2.020. Original rule filed Dec. 23, 1975, effective Jan. 2, 1976. Rescinded and readopted: Filed Jan. 4, 1980, effective April 11, 1980. Rescinded and readopted: Filed Dec. 9, 1981, effective March 11, 1982. Amended: Filed Sept. 1, 2004, effective March 30, 2005. Moved to 20 CSR 2230-2.020, effective Aug. 30, 2006.*

28, 2006. Rescinded and readopted: Filed July 11, 2007, effective Jan. 30, 2008.

\*Original authority: 330.140, RSMo 1945, amended 1981, 1993, 1995, 1998 and 330.160, RSMo 1939, amended 1951, 1981, 1999, 2005.

## 20 CSR 2230-2.021 Advertising Regulation

**PURPOSE:** This rule sets forth the content and methods that podiatrists who are licensed by the State Board of Podiatric Medicine shall follow if they advertise their services to the public in Missouri.

(1) Nothing in these rules shall be construed as allowing any advertisement or solicitation which is false, misleading or deceptive. Any advertisement or solicitation which is false, misleading or deceptive is prohibited.

(2) Any podiatrist whose office or practice is the subject of any advertisement or solicitation is responsible for the form and content of that advertisement or solicitation.

(3) Definitions. The following words and terms when used in this rule shall have the following meaning:

(A) Advertisement shall mean any attempt, directly or indirectly, by publication, dissemination or circulation in print, or electronic media which, directly or indirectly, induces or attempts to induce any person or entity to purchase or enter into an agreement to purchase services, treatment or related goods from a podiatrist;

(B) Electronic media shall include radio, television, email and Internet;

(C) Print media shall include, but not be limited to, newspapers, magazines, periodicals, professional journals, telephone directories, circulars, handbills, flyers, billboards, signs, matchcovers, Internet, email, and other items, documents or comparable publications, the content of which is disseminated by means of the printed word;

(D) Range of fees shall refer to an expressly stated upper and lower limit on the fees charged for services or goods offered by a podiatrist; and

(E) Solicitation shall mean any conduct other than that which has been defined as advertising which occurs outside the podiatrist's office and which, directly or indirectly, induces or attempts to induce any person or entity to purchase or enter into an agreement to purchase services, treatment or related goods from a podiatrist.

(4) A podiatrist shall maintain a record of all advertisements and solicitations including, but not limited to:

(A) A recording or transcript, including any visual images broadcast, shall be maintained for a period of three (3) years together with the name of the television or radio station(s) and the date(s) of broadcast for any advertisement in electronic media;

(B) An actual copy, photocopy or photograph of any advertisement in print media shall be maintained

for a period of three (3) years together with the name of the publication(s) or location(s) of publication or display and the date(s) of publication or display;

(C) A memorandum or other written record of every solicitation shall be maintained for a period of three (3) years. The memorandum or written record shall include the content, time, date and location of the solicitations; and

(D) Failure to maintain these records shall constitute misconduct.

(5) Podiatrists may use advertisements as defined in sections (3) and (4).

(6) Podiatrists may engage in solicitation, personally or through agents or representatives, except podiatrists shall not advertise or solicit using—

(A) Any form of aerial display; and

(B) Sound equipment from a motor vehicle.

(7) False, misleading or deceptive advertising or soliciting includes, but is not limited to, the following:

(A) Use of a trade name or assumed name in connection with a podiatrist's practice that does not comply in every respect with the requirements of 20 CSR 2230-2.020;

(B) Statements of any nature which indicate that a certain podiatrist performs all of the work, when, in fact, all or part of the

work or service is performed by another;

(C) Any offer of a professional service which the podiatrist knows or should know is beyond the podiatrist's ability to perform or that is for any other reason not readily available;

(D) Any advertisement or solicitation which suppresses, omits or conceals any material fact under circumstances which a podiatrist knows or should know that the suppression, omission or concealment is improper or prohibits a prospective patient from making a full and informed judgment on the basis of the information set forth;

(E) Any advertisement which fails to identify the podiatrist's profession by not including the word podiatrist, doctor of podiatric medicine or DPM following the podiatrist's name;

(F) Those types of advertisements or solicitations specified in section 330.160.2(14), RSMo;

(G) Any advertisement or solicitation which, through method of delivery or through content, is intended to or is reasonably likely to result in undue pressure, undue influence or overreaching with regard to a prospective patient;

(H) Any offer to pay, give or accept a fee or other consideration to or from a third party for the referral of a patient;

(I) Any offer of goods or services for a specific fee, range of fees, discount or for free which is not honored for a minimum of ninety (90) days following the last advertisement or solicitation or for the other specific time period set forth in the advertisement or solicitation. If the offer sets forth a specific time period, the time period may be less than ninety (90) days;

(J) Any offer of free goods or services without disclosing that other goods or services which are ordinarily required in connection with the free goods or services are not free, unless those other goods or services are also offered free of charge; and

(K) Any offer of goods or services for no fee or for a discount which does not include the regular fee or range of fees for those goods or services. As an alternative, the offer may state that the regular fee services will be provided to any member of the public upon request. At the time that the regular fee or range of fees is provided in response to a request, information regarding the specific time period during which the regular fee or range of fees will be honored, must be provided.

**AUTHORITY:** sections 330.140, RSMo 2000 and 330.160, RSMo Supp. 2006.\* *This rule originally filed as 4 CSR 230-2.021. Original rule filed Oct. 15, 1985, effective Jan. 12, 1986. Amended: Filed Nov. 4, 1986, effective Jan. 30, 1987. Amended: Filed May 16, 1995, effective Dec. 30, 1995. Amended: Filed Oct. 30, 1997, effective April 30, 1998. Amended: Filed Sept. 1, 2004, effective March 30, 2005. Moved to 20 CSR 2230-2.021, effective Aug. 28, 2006. Amended: Filed July 11, 2007, effective Jan. 30, 2008.*

\*Original authority: 330.140, RSMo 1945, amended 1981, 1993, 1995, 1998 and 330.160, RSMo 1939, amended 1951, 1981, 1999, 2005.

## **20 CSR 2230-2.022 Podiatric Titles**

**PURPOSE:** *This rule clarifies that no person other than a licensed podiatrist may use the podiatric medical titles defined in this rule.*

(1) Only persons who hold a license to practice podiatric medicine in this state may use the words podiatric medicine, podiatry, podiatric, podiatrist, foot specialist, chiropody or chiropodist, or variations of these words in connection with his/her practice. Any person who holds a license to practice podiatric medicine in this state may also use the abbreviation DPM in connection with his/her practice. No other person shall assume any title or use any abbreviation or other words including, but not limited to, the words and abbreviation listed in this rule, letters, signs or devices to indicate the person using the same is a licensed podiatrist.

**AUTHORITY:** sections 330.140 and 330.200, RSMo 2000.\* *This rule originally filed as 4 CSR 230-2.022. Original rule filed Aug. 11, 1992, effective Feb. 26, 1993. Amended: Filed Sept. 1, 2004, effective March 30, 2005. Moved to 20 CSR 2230-2.022, effective Aug. 28, 2006.*

\*Original authority: 330.140, RSMo 1945, amended 1981, 1993, 1995, 1998 and 330.200, RSMo 1939, amended 1981.

## **20 CSR 2230-2.023 Infection Control**

**PURPOSE:** *This rule establishes guidelines for contagious, infectious or communicable disease protection.*

(1) A podiatric physician shall guard against contagious, infectious and communicable diseases.

(2) Podiatric physicians who perform surgery should be generally familiar with the Center for Disease Control's "Guideline for Prevention of Surgical Site Infection, 1999," available at <http://www.cdc.gov/hicidod/dhqp/pdf/guidelines/SSI.pdf>.

(3) Podiatric physicians who practice in office settings may find helpful the Center for Disease Control's "Guidelines for Infection Control in Dental Health-Care Settings—2003," available at <http://www.cdc.gov/mmwr/PDF/rr/rr5217.pdf>.

(4) A podiatric physician shall be adequately trained in how to guard against contagious, infectious and communicable diseases.

(A) At a minimum, two (2) hours of the continuing education obtained by a podiatric physician during a continuing education cycle shall be directly related to guarding against contagious, infectious and communicable diseases in podiatric practice.

(5) A podiatric physician shall have an adequate written protocol setting out how the podiatric physician guards against contagious, infectious and communicable diseases in the practice of podiatric medicine. A written protocol is not adequate if it does not address guarding against contagious, infectious and communicable diseases in the following particulars:

(A) Locations.

1. In any office where the podiatric physician practices; and

2. At any other place where the podiatric physician routinely engages in professional practice.

(A) A podiatric physician may, after adequate review, accept the adequate written protocol that guards against contagious, infectious and communicable diseases of any place other than the physician's own office, unless the podiatric physician becomes aware, or should be aware, that the protocol is not being followed.

(B) Training.

1. Every member of the staff of a podiatric physician shall be appropriately trained in how to guard against contagious, infectious and communicable diseases.

(A) Non-medical staff shall, at a minimum, be trained to recognize and report to the podiatric physician, or other medically trained staff, personal illness and reports of contagious, infectious and communicable diseases among patients.

(B) A record of the training provided to each member of the staff of a podiatric physician shall be maintained throughout the person's employment and for at least three (3) years after the person's termination.

2. A podiatric physician shall ensure that any place where he/she is routinely engaged in the practice of podiatric medicine appropriately trains its staff in how to recognize personal illness and guard against contagious, infectious and communicable diseases and shall preserve in writing the evidence upon which he/she relied in making the training assessment.

(C) Equipment.

1. A podiatric physician shall adequately guard against contagious, infectious and communicable diseases in the use of equipment.

2. A podiatric physician who uses sterilizing equipment shall test the equipment in strict compliance with the manufacturer's instructions.

3. A podiatric physician may rely on the sterilization of equipment performed by another only after having made and recorded appropriate inquiry and being reasonably assured that the person or entity's procedures are adequate.

(D) Record Keeping.

1. Patient records shall reflect the podiatric physician's practice of guarding against contagious, infectious and communicable diseases as medically necessary.

2. A podiatric physician shall maintain a "Contagion, Infection and Communicable Disease Log" wherein a summary of the facts related to an exposure or report of contagious, infectious and communicable diseases is maintained. Such a summary shall include the date and time of the report, a unique identifier for the person(s) exposed to or reported to be afflicted by the contagious, infectious or communicable disease that will allow identification of medical or personnel records without disclosing a person's name in the log, the general nature of the contagious, infectious or communicable disease, the immediate response of the podiatric physician, and a statement of the outcome of the case (e.g., patient deceased, resolved after treatment with antibiotics).

(A) The podiatric physician shall at least monthly review the "Contagion, Infection and Communicable Disease Log" for the purpose of identifying any trends or repeated occurrences. The date and time of the review shall be written in the log followed by the podiatric physician's signature.

(B) The "Contagion, Infection and Communicable Disease Log" shall be maintained for at least three (3) years.

3. A podiatric physician who operates sterilization equipment in the practice of podiatric medicine shall maintain maintenance and test records for at least three (3) years.

4. A podiatric physician shall maintain a copy of the current protocol required by this rule. Previous versions shall be maintained for three (3) years after the last date they were used.

5. A podiatric physician shall maintain a detailed record of the training provided to staff members related to contagious, infectious and communicable diseases, distinct from the records of training of individual staff

members, for at least three (3) years.

(E) Reports.

1. A podiatric physician shall provide a copy of the written protocol to the board upon request.

2. A podiatric physician shall provide a copy of the detailed record of the training provided to staff members related to contagious, infectious and communicable diseases, distinct from the records of training of individual staff members, to the board upon request.

*AUTHORITY: section 330.140, RSMo 2000.\* Original rule filed July 11, 2007, effective Jan. 30, 2008.*

*\*Original authority: 330.140, RSMo 1945, amended 1981, 1993, 1995, 1998.*

## 20 CSR 2230-2.030 Biennial License Renewal

*PURPOSE: This rule clarifies the license renewal requirements and procedures.*

(1) All Missouri podiatric physicians shall notify the board office of all offices, shared or individual; or changes in office addresses and designate at which address mail is to be received.

(2) Each applicant for license renewal shall certify to the board that s/he has attended twenty-four (24) hours of board-approved continuing medical education (CME) for the biennial renewal period immediately preceding the biennial license renewal date. Applicants who qualify under section 330.010.2, RSMo to perform surgery of the ankle must certify that s/he has attended an additional twenty-six (26) hours of board-approved CME for the biennial renewal period immediately preceding the biennial license renewal date. Prior to January 2005, a copy of Foot & Ankle Board Certification or certificate of a twenty-four (24)-month postgraduate clinical residency program in podiatric surgery shall be on file with the state board for acceptance of the additional CMEs, before the endorsement of "Ankle Surgery Certified" will be added to their biennial renewal license. After January 2005, a certificate of completion of a twenty-four (24)-month postgraduate clinical residency program in podiatric surgery is required for acceptance of the additional CMEs and the "Ankle Surgery Certified" endorsement.

(3) The reporting period for satisfying the CME requirements shall be the twenty-four (24)-month period immediately preceding the biennial license renewal date, which is February 28 of each even-numbered year. All CME hours shall be board approved. CME hours earned after the biennial renewal date (February 28 of even-numbered years) shall apply to the next reporting cycle. A renewal license will not be issued until all renewal requirements have been met.

(4) For the license renewal due on February 28, 2006, and each subsequent renewal thereafter, the licensee shall certify that s/he has obtained at least twenty-four (24) or fifty (50) hours, whichever is relevant, of continuing medical education during the two (2)-year pe-

riod preceding the renewal on the renewal form provided by the board. The renewal form shall be submitted directly to the board, either by mail or online renewal, by February 28 of each even-numbered year. The licensee shall not submit the record of CME attendance to the board except in the case of a board audit.

(5) Every licensee shall maintain full and complete records of all approved CME hours earned for the two (2) previous reporting periods in addition to the current reporting period. The records shall document the titles of the courses taken, dates, locations, course sponsors, number of hours earned and certificate of attendance or completion. The board may conduct an audit of licensees to verify compliance with the continuing education requirements. Licensees shall assist the board in its audits by providing timely and complete responses to the board's inquiries.

(6) Violation of any provision of this rule shall be grounds for discipline in accordance with section 330.160, RSMo.

(7) The following guidelines govern the CME requirements needed to apply for biennial licensure renewal:

(A) Educational programs approved by the Council of Podiatric Medical Education of the American Podiatric Medical Association are currently approved by the board.

(B) The board will review for consideration of CME credits, the following postgraduate study to meet the standards for biennial license renewal. The licensee shall submit a copy of the program schedule, the outline, and the appropriate Continuing Education Board Review Fee to the board office not less than sixty (60) days prior to the date of the program. The outline must indicate the program's subject matter, the number of hours required for its presentation and the identity and qualifications of the speakers and instructors. After reviewing the schedule and outline, the board may grant approval. If the board approves the program, the credit will be accepted and the licensee may count the CME hours toward the total number of required hours. If the postgraduate study request is submitted after the sixty (60)-day deadline, payment of the Continuing Medical Education Reporting Period Late Fee will be required. The following programs may be reviewed by the board for CME credit:

1. Educational programs, appropriate to the practice of podiatric medicine, presented by:

(A) A hospital accredited by the Joint Commission on Hospital Accreditation;

(B) American Medical Association (AMA); or

(C) American Osteopathic Association (AOA) or its equivalent.

2. Meetings. Registered attendance at relevant podiatric medicine related professional meetings (international, national, regional, state or local). CME credits may be granted for no more than four (4) hours per day for professional meeting attendance.

3. Presenting or speaking at a formal professional meeting in the area of podiatric medicine or a related

field. CME credits may be granted at the rate of four (4) hours for each presentation. No CME credit based on the same presentation will be allowed for use in the subsequent two (2)-year reporting period.

4. Writing a paper published in a professional journal, writing an original chapter in a book or an edited book, or for editing or writing a book, in the area of podiatric medicine or a related field. Credits may be granted for the year of publication or presentation. CME credits may be granted at the rate of four (4) hours for each paper, eight (8) hours for each chapter in a book, ten (10) hours for editing a book, and fifteen (15) hours for the publication of a book. No CME credit based on the same materials will be allowed for use in the subsequent two (2)-year reporting period.

(C) Licensees who attend the open session of the Missouri State Board of Podiatric Medicine's board meetings will receive one (1) hour of CME credit per meeting. To qualify, licensees must sign in at the beginning of the open meeting and sign out at the end of the open meeting.

(D) Licensees who give presentations in accordance with this rule will receive up to two (2) CME credit hours for each hour of the original presentation and an hour-for-hour credit for subsequent presentation of the same material for a total of up to six (6) hours per each two (2)-year reporting period for licensees who are required to obtain twenty-four (24) hours of CME credit, or a total of up to twelve (12) hours per each two (2)-year reporting period for licensees who are required to obtain fifty (50) hours of CME credit.

(E) Licensees who are required to obtain twenty-four (24) hours of CME credit in a two (2)-year reporting period may use up to six (6) hours of self-study CME credit in each reporting period, in accordance with this rule. Licensees who are required to obtain fifty (50) hours of CME credit in a two (2)-year reporting period may use up to twelve (12) hours of self-study CME credit in each reporting period, in accordance with this rule.

(F) Licensees who are required to obtain twenty-four (24) hours of CME credit in a two (2)-year reporting period may carry over up to six (6) CME credit hours earned in excess of the required twenty-four (24) hours to the next two (2)-year reporting period. Licensees who are required to obtain fifty (50) hours of CME credit in a two (2)-year reporting period may carry over up to twelve (12) CME credit hours earned in excess of the required fifty (50) hours to the next two (2)-year reporting period.

(G) An applicant who has not satisfied the CME requirements in accordance with this rule shall be required to meet the CME requirements retroactively as well as pay the required Continuing Medical Education Reporting Period Late Fee.

(H) Exceptions to the provisions of this rule include the following:

1. Licensees who were in training at least a minimum of six (6) months during the CME reporting period at

a residency program approved by the Council of Podiatric Medical Education of the American Podiatric Medical Association are exempt from obtaining the required CME hours for the continuing medical education reporting period that the licensee was in the residency program. The residency program director must complete the form provided by the board, attesting that the applicant has attended an approved postgraduate clinical residency program for not less than six (6) months during the twenty-four (24)-month continuing medical education renewal reporting period. The certificate must indicate that the applicant was in good standing and indicate the dates of attendance during the post-graduate clinical residency program. The licensee shall maintain this certificate in his/her records of CME attendance.

2. For the first renewal of a podiatrist's license, the board will consider the passing score of the national board (Part III) exam as satisfying twelve (12) hours of the required twenty-four (24) hours of CME as required by this rule if the national board (Part III) exam was taken within the CME reporting period.

3. A licensee who has obtained American Podiatric Specialty Board certification or recertification during the reporting period shall be deemed to have obtained the required hours of CME. The licensee shall maintain documentation evidencing the certification or recertification.

4. A licensee who participated in a fellowship program in an approved teaching institution shall be deemed to have obtained the required hours of CME if at least sixty (60) days of the reporting period were spent in the fellowship and the fellowship is determined to be advanced training. The licensee shall maintain documentation from the fellowship program director verifying the number of days in the program and that the program is advanced training.

5. Pursuant to section 41.946, RSMo and notwithstanding any other provision of law, any person licensed or certified to practice a trade or profession by the state of Missouri or any branch or agency thereof that requires an annual period of continuing education or training as a condition of continued or renewed licensing or certification, and who is or becomes a member of the National Guard or of any reserve component of the Armed Forces of the United States who is called to full-time active duty in the service of the United States under competent orders shall, during the period of full-time active duty, be exempt from any such requirement for continuing education or training without his/her status, license, certification or right to practice his/her trade or profession being affected and shall not be required, upon returning from full-time active duty, to make up or retake any training or education for which s/he was exempt under the provisions of this section.

(I) A licensee who cannot complete the required hours of CME because of personal illness or other circumstances beyond the licensee's control, which the board deems to be sufficient to impose an

insurmountable hardship may apply for an extension of time to complete the CME requirements. Any extension of time to complete the CME requirements will be granted solely at the discretion of the board. The licensee shall make a written application for extension of time prior to the February 28 deadline for completion of the CME requirement. The application for extension shall be accompanied by the Continuing Medical Education Reporting Period Late Fee. The licensee shall provide full and complete written documentation of the grounds supporting the reasons for which an extension is sought.

1. Illness extensions may be granted only to a licensee who has suffered a personal illness or personal disability of a nature as to prevent him/her from engaging in the active practice of podiatry for at least a majority of the reporting period. At a minimum, the licensee shall provide the board with written documentation from the licensee's treating physician stating the nature of the illness or disability, the period of the illness or disability, any limitations on the licensee's activities that resulted from the illness or disability, documentation of the number of CME hours earned in the two (2)-year reporting period and a plan for completing the balance of the CME requirement.

2. The board, solely at its discretion, may grant an extension based on unforeseeable circumstances beyond the licensee's control that impose an insurmountable hardship precluding the licensee from obtaining the required CME. At a minimum, the licensee shall provide written documentation explaining specifically and in detail the nature of the circumstances, why the circumstances were unforeseeable and beyond the licensee's control, the period during which the circumstances were in existence, documentation of the number of CME credits earned in the two (2)-year reporting period and the licensee's plan for completing the balance of the CME requirement.

3. An extension of time shall not be granted to any licensee who obtained an extension in the immediately preceding CME reporting period in which the licensee held an active license.

(8) Any application for biennial license renewal received by the board more than six (6) months after the renewal date shall be void and the applicant shall be required to make new application and pay the applicable fees in accordance with section 330.030, RSMo, which shall include successful completion of the Missouri Law Examination administered by the board.

(9) A Missouri licensed podiatrist has the ongoing obligation to keep the board informed if the licensee has been finally adjudicated or found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under Chapter 330, RSMo, for any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude,

whether or not sentence was imposed. The licensee shall provide this information to the board within thirty (30) days of being finally adjudicated or found guilty.

*AUTHORITY: sections 330.010, 330.070 and 330.140, RSMo 2000.\* This rule originally filed as 4 CSR 230-2.030. Original rule filed Dec. 23, 1975, effective Jan. 2, 1976. Rescinded and readopted: Filed Dec. 9, 1981, effective March 11, 1982. Amended: Filed Nov. 12, 1982, effective Feb. 11, 1983. Amended: Filed Dec. 6, 1982, effective March 11, 1983. Amended: Filed Sept. 24, 1984, effective Feb. 13, 1985. Amended: Filed Oct. 15, 1985, effective Jan. 12, 1986. Amended: Filed July 17, 1989, effective Oct. 12, 1989. Amended: Filed Aug. 2, 1991, effective Dec. 9, 1991. Amended: Filed Feb. 4, 1992, effective June 25, 1992. Amended: Filed Oct. 30, 1997, effective May 30, 1998. Amended: Filed Aug. 20, 1998, effective Jan. 30, 1999. Amended: Filed April 29, 1999, effective Oct. 30, 1999. Amended: Filed Sept. 1, 2004, effective March 30, 2005. Moved to 20 CSR 2230-2.030, effective Aug. 28, 2006.*

*\*Original authority: 330.010, RSMo 1939, amended 1945, 1961, 1969, 1976, 1995, 1998; 330.070 RSMo 1945, amended 1947, 1971, 1981, 1999; and 330.140, RSMo 1945, amended 1981, 1993, 1995, 1998.*

*Op. Atty. Gen. No. 410, Fulkerson (12-5-68). It would be valid exercise of inherent police power of state to adopt legislation requiring reasonable "continuing education" program in the field of podiatry as condition to annual registration.*

## **20 CSR 2230-2.041 Public Complaint Handling and Disposition Procedure**

*PURPOSE: This rule establishes a procedure for the receipt, handling and disposition of public complaints by the board, pursuant to the mandate of section 4.16(6) of the Omnibus State Reorganization Act of 1974, Appendix B, RSMo.*

(1) The State Board of Podiatric Medicine shall receive and process each complaint made against any licensee, permit holder, registrant or applicant of the board, or unlicensed individual or entity, which complaint alleges certain acts or practices which may constitute one (1) or more violations of the provisions of Chapter 330, RSMo. Any member of the public or the profession or any federal, state or local official, may make and file a complaint with the board. Complaints shall be received from sources outside Missouri and processed in the same manner as those originating within Missouri. No member of the State Board of Podiatric Medicine shall file a complaint with this board while holding that office, unless that member is excused from further board deliberations or activity concerning the matters alleged within that complaint. The executive director or any staff member of the board may file a complaint pursuant to this rule in the same manner as any member

of the public.

(2) Complaints should be mailed or delivered to the following address: State Board of Podiatric Medicine, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102-0423. However, actual receipt of the complaint by the board at its administrative offices in any manner shall be sufficient. Complaints shall be made based upon personal knowledge or upon information and belief, reciting information received from other sources.

(3) All complaints shall be made in writing. Complaints shall be made on forms provided by the board and available upon request. Oral or telephone communications will not be considered or processed as complaints, but the person making the communications will be provided with a complaint form and requested to complete and return the form to the board in written form. Any member of the administrative staff of the board may make and file a complaint based upon information and belief, in reliance upon oral, telephone or written communications received by the board, unless that staff member believes those communications to be false.

(4) Each complaint received under this rule shall be logged in a book and/or database maintained by the board for that purpose. Complaints shall be logged in consecutive order as received. The log book and/or database shall contain a record of each complainant's name and address; the name and address of the subject(s) of the complaint; the date each complaint is received by the board; a brief statement of the acts complained of, including the name of any person injured or victimized by the alleged acts or practices; a notation whether the complaint resulted in its dismissal by the board or informal charges being filed with the Administrative Hearing Commission; and the ultimate disposition of the complaint. The log book and/or database shall be a closed record of the board.

(5) Each complaint received under this rule shall be acknowledged in writing. The acknowledgment shall state that the complaint is being referred to the board for consideration at its next regularly scheduled meeting. The complainant shall be informed as to whether the complaint is being investigated and later as to whether the complaint has been dismissed by the board, or is being referred to legal counsel for filing with the Administrative Hearing Commission. The complainant shall be notified of the ultimate disposition of the complaint, excluding judicial appeals, and shall be provided with copies of the decisions (if any) of the Administrative Hearing Commission and the board at that time; provided, that the provisions of this section shall not apply to complaints filed by staff members of the board based on information and belief, acting in reliance on third-party information received by the board.

(6) Both the complaint and any information obtained as a result of the investigation shall be considered a closed record and shall not be available for inspection by the general public. However, upon written request to

the board, a copy of the complaint and any attachments to the complaint may be provided to any licensee who is the subject of that complaint or his/her counsel.

(7) This rule shall not be deemed to limit the board's authority to file a complaint with the Administrative Hearing Commission charging a licensee or temporary license holder of the board with any actionable conduct or violation, whether or not that complaint exceeds the scope of the acts charged in a preliminary public complaint filed with the board, and whether or not any public complaint has been filed with the board.

(8) The board interprets this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the board, and for those persons or entities within the legislative and executive branches of government having supervisory or other responsibilities or control over the professional licensing boards. This rule is not deemed to protect or inure to the benefit of those licensees or temporary license holders or other persons against whom the board has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of Chapter 330, RSMo.

*AUTHORITY: section 330.140, RSMo 2000 and 620.010.15(6), RSMo Supp. 2004.\* This rule originally filed as 4 CSR 230-2.041. Original rule filed Feb. 9, 1982, effective May 13, 1982. Amended: Filed Oct. 30, 1997, effective April 30, 1998. Amended: Filed Sept. 1, 2004, effective March 30, 2005. Moved to 20 CSR 2230-2.041, effective Aug. 28, 2006.*

*\*Original authority: 330.140, RSMo 1945, amended 1981, 1993, 1995, 1998 and 620.010, RSMo 1973, amended 1981, 1983, 1986, 1989, 1990, 1993, 1994, 1995, 1999, 2001.*

## **20 CSR 2230-2.045 Public Records**

*PURPOSE: This rule establishes standards of compliance with Chapter 610, RSMo, as it relates to public records of the State Board of Podiatric Medicine.*

(1) All public records of the State Board of Podiatric Medicine shall be open for inspection and copying by the general public at the board's office during normal business hours, holidays excepted, except for those records closed pursuant to section 610.021, RSMo. All public meetings of the State Board of Podiatric Medicine, not closed pursuant to the provisions of section 610.021, RSMo, will be open to the public.

(2) The State Board of Podiatric Medicine establishes the executive director of the board as the custodian of its records as required by section 610.023, RSMo. The executive director is responsible for maintaining the board's records and for responding to requests for access to public records and may appoint deputy custodians as necessary for the efficient operation of the board.

(3) When the custodian believes that requested access is not required under Chapter 610, RSMo, the custodian shall inform the requesting party that compliance cannot be made, specifying what sections of Chapter 610, RSMo, require that the record remain closed. Correspondence or documentation of the denial shall be copied to the board's general counsel. The custodian also shall inform the requesting party that s/he may appeal directly to the board for access to the records requested. The appeal and all pertinent information shall be placed on the agenda for the board's next regularly scheduled meeting. If the board reverses the decision of the custodian, the board shall direct the custodian to advise the requesting party and supply access to the information during regular business hours at the requesting party's convenience.

(4) The custodian shall maintain a file that will contain copies of all written requests for access to records and responses to these requests. The requests shall be maintained on file with the board for a period of one (1) year and will be maintained as a public record of the board open for by any member of the general public during regular business hours.

(5) Whenever a request for inspection of public records is made and the individual inspecting the records requests copies of the records, the board may charge a reasonable fee for the cost of inspecting and copying the records. The fee charged by the board shall be as follows:

(A) A fee for copying public records shall not exceed the actual cost of the document search and duplication; and

(B) The board may require payment for these fees prior to making the copies.

*AUTHORITY: sections 330.140, 610.010–610.035, and 620.010.14, RSMo 2000.\* This rule originally filed as 4 CSR 230-2.045. Original rule filed Nov. 1, 2001, effective April 30, 2002. Moved to 20 CSR 2230-2.045, effective Aug. 28, 2006.*

*\*Original authority: 330.140, RSMo 1945, amended 1981, 1993, 1995, 1998; 610.010–610.035, see Missouri Revised Statutes; and 620.010, RSMo 1973, amended 1981, 1983, 1986, 1989, 1990, 1993, 1994, 1995, 1999, 2001.*

## **20 CSR 2230-2.050 Reciprocity**

*PURPOSE: This rule clarifies the requirements for Missouri licensure by reciprocity.*

(1) An applicant for a Missouri license by reciprocity shall submit an application on the form provided by the board.

(A) The application shall be submitted with the following documentation:

1. A copy of the applicant's original license to practice

podiatric medicine, which must have been obtained by examination if that license has lapsed, proof of interim licensure satisfactory to the board;

2. Proof of the original licensing state's educational requirements for licensure as a podiatrist;
3. A recent photograph;
4. The current Reciprocity License Fee;
5. An official transcript from the college of podiatric medicine from which the applicant graduated. If the applicant attended more than one (1) college of podiatric medicine in order to obtain all of the credits necessary for graduation, the applicant shall submit official transcripts from all podiatric colleges he/she attended;
6. Proof of age;
7. Proof that the applicant's fingerprints have been submitted to the Missouri State Highway Patrol for criminal history records checks;
8. Proof of good moral character in the form of reference letters from persons who have known the applicant for at least five (5) years, on forms provided by the board, from three (3) of the following four (4) classes of individuals:
  - A. An employer;
  - B. A person with whom the applicant has practiced podiatric medicine;
  - C. The chief of staff of a hospital where the applicant has privileges of any type; and
  - D. A member of the community where the applicant resides or practices; and
9. The applicant shall provide the board with a request directed to the regulatory entity in each state, United States territory, province, or country in which a license, certificate, registration or permit is held or has ever been held to submit verification of licensure, certification, registration or permit directly to the board. The request shall be accompanied by any fee required by the regulatory entity. The verification shall include:
  - A. The license, registration, certificate or permit issued, the number, status, issue and expiration dates;
  - B. Information regarding any disciplinary action;
  - C. Method of licensure, registration or certification;
  - D. The name and title of the person verifying information;
  - E. The date; and
  - F. The entity's seal.

(B) Application forms may be obtained from the board office at PO Box 423, Jefferson City, MO 65102-0423 or by visiting the board's website at <http://pr.mo.gov/podiatrists.asp>. A copy of the current statutory provisions and board rules regarding the practice of podiatric medicine will be provided with the application form.

(C) No application will be considered unless each section of the application form is fully completed, the form is properly attested and all required documentation is completed and submitted to the board.

(D) A reciprocity applicant shall achieve a score of ninety percent (90%) or greater on the Missouri Law Examination administered by the board as an open book exam. The applicant shall be required to pay the Missouri Law Examination Administration Fee. The board's Missouri Law Examination will test the applicant's knowledge of Missouri statutes and rules relating to podiatric medicine.

(2) All credentials required by this rule for licensure by reciprocity must be in the possession of the board office at least thirty (30) days before any regular meeting of the board in order for the application to be considered by the board.

(3) Applicants for licensure by reciprocity may be required to appear in person before the board in order for the application to be approved.

(4) The board reserves the exclusive right to pass upon the standards of qualifications of the various states from which applicants may be accepted without examination and it reserves the right to reject an applicant on educational, moral, ethical, professional or other grounds.

(5) For every person desiring to enter the profession of podiatric medicine within Missouri, the board shall conduct a criminal history background check through the Missouri State Highway Patrol. Applicants shall submit to the board the applicable fee for the criminal history background check as determined by the Missouri State Highway Patrol.

**AUTHORITY:** sections 330.030, RSMo Supp. 2006 and 330.140, RSMo 2000. \*This rule originally filed as 4 CSR 230-2.050. Original rule filed Dec. 23, 1975, effective Jan. 2, 1976. Amended: Filed April 14, 1981, effective July 12, 1981. Rescinded and readopted: Filed Dec. 9, 1981, effective March 11, 1982. Amended: Filed March 4, 1991, effective Sept. 30, 1991. Amended: Filed Feb. 3, 1992, effective June 25, 1992. Amended: Filed Sept. 1, 2004, effective March 30, 2005. Moved to 20 CSR 2230-2.050, effective Aug. 28, 2006. Amended: Filed July 11, 2007, effective Jan. 30, 2008.

*\*Original authority: 330.030, RSMo 1939, amended 1943, 1945, 1947, 1953, 1965, 1981, 2005 and 330.140, RSMo 1945, amended 1981, 1993, 1995, 1998.*

## **20 CSR 2230-2.065 Temporary Licenses for Internship/Residency**

**PURPOSE:** *This rule interprets section 330.065, RSMo.*

(1) Any applicant desiring to serve a period of internship/residency in a Missouri hospital may do so without obtaining a permanent license from the board if he/she qualifies for and obtains a temporary license for internship/residency for a two (2)-year period from

the board. Any applicant desiring to obtain a temporary license shall make application on the form provided by the board. The applicant shall also submit evidence to the board that he/she meets the requirements of this section. There shall be an application fee which shall accompany all applications for a temporary license and shall be nonrefundable.

(2) Application forms may be obtained from the board office at PO Box 423, Jefferson City, MO 65102-0423 or by visiting the board's website at <http://pr.mo.gov/podiatrists.asp>. A copy of the current statutory provisions and board rules regarding the practice of podiatric medicine will be provided with the application form.

(3) No application will be considered unless it is fully completed and properly attested. Items necessary to complete the application include:

- (A) Each section on the application form itself;
- (B) A recent photograph;
- (C) The current Temporary Application Processing Fee;
- (D) An official transcript from a college of podiatric medicine;
- (E) A certified score report from the National Board of Podiatric Medical Examiners, certifying satisfactory completion of Parts I and II of the National Board Examination; and
- (F) A letter from the residency director at the Missouri hospital accredited by the American Podiatric Medical Association where the applicant will be serving his/her internship/residency program with the beginning and ending dates of the postgraduate clinical residency program.

(4) No person temporarily registered as an intern/resident shall practice podiatric medicine outside the physical confines of the sponsoring hospital; provided, however, that an intern/resident may practice at any facility approved for the residency by the Council on Podiatric Medical Education of the American Podiatric Medical Association.

(5) For newly established postgraduate clinical internship/residency programs, a temporary license may be issued to applicants when the postgraduate clinical internship/residency program is accorded preliminary approval or candidate status by the Council on Podiatric Medical Education of the American Podiatric Medical Association. However, an intern/resident who applies for a permanent license upon completion of such a postgraduate clinical internship/residency program will not be eligible for permanent licensure until his/her postgraduate clinical internship/residency program completes all the steps necessary for and receives approval or accreditation by the Council on Podiatric Medical Education of the American Podiatric Medical Association. The date on which the Council on Podiatric Medical Education of the American Podiatric Medical Association deems the postgraduate clinical internship/residency program approved or accredited shall be the starting date from which an intern/resident shall receive credit toward the intern's/resident's required

period of postgraduate clinical internship/residen

(6) The temporary license for postgraduate clinical internship/residency, upon approval by the board for good cause shown, may be renewed for an additional one (1)-year period. If during the period of internship/residency specified in the temporary license, the holder thereof shall transfer from the postgraduate clinical internship/residency program offered by the hospital specified in his/her application, the holder must, before such transfer, receive approval for the transfer from the board. Upon approval of the transfer, the temporary license shall remain valid for two (2) years from the original date of issuance.

(7) An applicant approved for a temporary license shall be required to pay the current Temporary License Fee.

(8) For every person desiring to enter the profession of podiatric medicine within Missouri, the board shall conduct a criminal history background check through the Missouri State Highway Patrol. Applicants shall submit to the board the applicable fee for the criminal history background check as determined by the Missouri State Highway Patrol.

(9) Temporary internship/residency applicants who apply for a permanent license upon completion of at least a twelve (12)-month postgraduate clinical residency training program shall be assessed the Permanent Application Processing Fee at that time and shall be assessed the Permanent License Fee if approved by the board.

(10) Violation of this rule shall be treated as cause for initiation of disciplinary proceedings against a temporary licensee under section 330.160.2(5) and (6), RSMo.

*AUTHORITY: sections 330.010 and 330.065, RSMo Supp. 2006 and 330.140, RSMo 2000.\* This rule originally filed as 4 CSR 230-2.065. Original rule filed Dec. 9, 1981, effective March 11, 1982. Amended: Filed Aug. 9, 1993, effective March 10, 1994. Amended: Filed Oct. 25, 1995, effective May 30, 1996. Amended: Filed Oct. 30, 1997, effective April 30, 1998. Amended: Filed June 1, 1999, effective Nov. 30, 1999. Amended: Filed Aug. 12, 1999, effective Feb. 29, 2000. Amended: Filed Sept. 1, 2004, effective March 30, 2005. Moved to 20 CSR 2230-2.065, effective Aug. 28, 2006. Amended: Filed July 11, 2007, effective Jan. 30, 2008.*

*\*Original authority: 330.010, RSMo 1939, amended 1945, 1961, 1969, 1976, 1995, 1998, 2005; 330.065, RSMo 1981, 2005; and 330.140, RSMo 1945, amended 1981, 1993, 1995, 1998.*

## **20 CSR 2230-2.070 Fees**

*PURPOSE: This rule establishes and fixes the various fees and charges authorized by Chapter 330, RSMo.*

(1) The following fees are established by the State Board of Podiatric Medicine:

(A) Permanent License Fee.....	\$100.00
(B) Temporary License Fee.....	\$50.00
(C) Reciprocity License Fee.....	\$350.00
(D) Missouri Law Examination Administrative Fee.....	\$25.00
(E) Duplicate License Fee.....	\$10.00
(F) Biennial Renewal Fee.....	\$350.00
(G) Inactive Biennial Renewal Fee.....	\$200.00
(H) Renewal Late Fee (per month).....	\$30.00
(I) Certification of Grades Fee.....	\$5.00
(J) Reciprocity Certification Fee.....	\$10.00
(K) Certification of Corporation Fee.....	\$10.00
(L) Temporary Application Processing Fee.....	\$150.00
(M) Uncollectible Fee (uncollectible check or other uncollectible financial instrument).....	\$25.00
(N) Permanent Application Processing Fee.....	\$250.00
(O) Continuing Education Board Review Fee.....	\$25.00
(P) Background Check Fee (amount determined by the Missouri State Highway Patrol)	
(Q) CME Reporting Period Late Fee.....	\$50.00

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

**AUTHORITY:** sections 330.095 and 330.140, RSMo 2000. \* *This rule originally filed as 4 CSR 230-2.070. Emergency rule filed June 30, 1981, effective July 9, 1981, expired Nov. 11, 1981. Original rule filed June 30, 1981, effective Nov. 12, 1981. Amended: Filed Nov. 10, 1981, effective Feb. 11, 1982. Amended: Filed Feb. 9, 1982, effective May 13, 1982. Amended: Filed Nov. 12, 1982, effective Feb. 11, 1983. Emergency amendment filed Dec. 1, 1983, effective Dec. 11, 1983, expired March 29, 1984. Amended: Filed Dec. 1, 1983, effective March 11, 1984. Amended: Filed April 3, 1984, effective Aug. 12, 1984. Amended: Filed Sept. 24, 1984, effective Jan. 13, 1985. Amended: Filed June 18, 1987, effective Sept. 11, 1987. Amended: Filed July 17, 1989, effective Oct. 12, 1989. Emergency amendment filed Oct. 13, 1989, effective Nov. 11, 1989, expired March 10, 1990. Amended: Filed Oct. 13, 1989, effective Jan. 12, 1990. Amended: Filed May 1, 1991, effective Sept. 30, 1991. Amended: Filed June 18, 1991, effective Oct. 31, 1991. Amended: Filed Feb. 3, 1992, effective June 25, 1992. Amended: Filed Nov. 2, 1992, effective May 6, 1993. Amended: Filed Sept. 23, 1993, effective May 9, 1994. Amended: Filed Aug. 30, 1995, effective*

*Feb. 25, 1996. Amended: Filed Oct. 30, 1997, effective April 30, 1998. Amended: Filed April 29, 1999, effective Oct. 30, 1999. Amended: Filed Jan. 28, 2000, effective July 30, 2000. Amended: Filed Dec. 9, 2002, effective June 30, 2003. Amended: Filed Sept. 1, 2004, effective March 30, 2005. Moved to 20 CSR 2230-2.070, effective Aug. 28, 2006.*

*\*Original authority: 330.095, RSMo 1999 and 330.140, RSMo 1945, amended 1981, 1993, 1995, 1998.*

# **GENERAL STATUTES AND RULES**

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## CHAPTER 620 - DEPARTMENT OF ECONOMIC DEVELOPMENT

### **620.132. Public members, state boards, forfeiture of membership, when--report to general public, when.**

1. Any public member authorized under the provisions of sections 326.160, RSMo, 327.031, RSMo, 328.030, RSMo, 329.190, RSMo, 330.110, RSMo, 331.090, RSMo, 332.021, RSMo, 333.151, RSMo, 334.120, RSMo, 335.021, RSMo, 336.130, RSMo, 337.050, RSMo, 338.110, RSMo, 339.120, RSMo, 340.120, RSMo, and 346.120, RSMo, who misses three consecutive regularly scheduled meetings of the board or council on which he serves shall forfeit his membership on that board or council. A new public member shall be appointed to the respective board or council by the governor with the advice and consent of the senate.

2. Each public member authorized under the provisions of law cited in subsection 1 of this section shall, at the conclusion of each meeting of his respective board or council, make a report on that meeting to at least one major newspaper and one major radio station which serves the city or town in which the meeting occurred.

(L. 1988 H.B. 1573 § 1)

### **620.140. Fees--collection and disposition.**

1. All fees charged by each board assigned to the division of professional registration shall be collected by that division and promptly transmitted to the department of revenue for deposit in the state treasury, credited to the proper account as provided by law.

2. The division and its component agencies shall permit any licensee to submit payment for fees established by rule in the form of personal check, money order, or cashier's check. All checks or money orders shall be made payable to the appropriate board. Any check or financial instrument which is returned to the division or one of its agencies due to insufficient funds, a closed account, or for other circumstances in which the check or financial instrument is not honored may subject an individual to additional costs, substantial penalties, or other actions by the division or one of its agencies. In such cases involving renewal of licenses, the renewal license may be withheld, and if issued, is not valid until the appropriate fee and any additional costs are collected. The division may require the payment of collection costs or other expenses. The affected board may establish penalty fees by rule and may suspend or revoke a license if such behavior is repetitive or the licensee fails to pay required penalty fees.

3. License renewal fees are generally nonrefundable. Overpayments or other incorrect fees may be refundable. The division shall establish a refund reserve through the appropriation to the professional registration fees fund.

4. Notwithstanding any other provision of law to the contrary, no board, commission or any other registration, licensing or certifying agency of the division of professional registration shall be required to collect or distribute any fee which is required for administering any test to qualify for a license, registration or certificate, if any portion of the fee is to be remitted to a private testing service.

(L. 1963 p. 200 § 2-23, A.L. 1981 S.B. 16 § 161.232, A.L. 1989 H.B. 190, et al., A.L. 1997 S.B. 141)  
(Source: RSMo 1956 §§ 160.220)

*\*Transferred 1982; formerly 161.232*

**Title 20—DEPARTMENT OF  
INSURANCE, FINANCIAL  
INSTITUTIONS AND  
PROFESSIONAL REGISTRATION**  
**Division 2231—Division of  
Professional Registration**  
**Chapter 1—Organization and  
Description of Division**

**20 CSR 2231-1.010 General Organization**

*PURPOSE: This regulation complies with section 536.023(3), RSMo (1986) which requires each agency to adopt as a regulation a description of its operation and the methods and procedures where the public may obtain information or make submissions or requests.*

(1) The Division of Professional Registration is an agency of the Department of Economic Development.  
(2) The division was created in 1974 by Senate Bill 1 passed by the First Extraordinary Session of the 77th General Assembly.  
(3) The division is headed by a director appointed by the director of the Department of Economic Development with the advice and consent of the senate.  
(4) Boards commissions and committees assigned to the division are—the Missouri State Board of Accountancy; the Missouri Board for Architects, Professional Engineers and Land Surveyors; the State Board of Barber Examiners; the State Board of Chiropractic Examiners; the State Board of Cosmetology; the Missouri Dental Board; the State Board of Embalmers and Funeral Directors; the State Board of Registration for the Healing Arts; Professional Speech Pathologists and Clinical Audiologists; the Council for Hearing Aid Dealers and Fitters; the State Board of Nursing; the State Board of Optometry; the State Board of Pharmacy; the State Board of Podiatry; the Missouri Real Estate Commission; the Missouri Veterinary Medical Board; the State Committee of Psychologists; and the Advisory Committee for Professional Counselors.

(5) The primary duties of the division consist of—

(A) Establishing renewal dates for licenses or certificates of the boards, commissions, committees and other licensing agencies assigned to the division;

(B) Providing clerical, other staff services and financial management relating to the issuance and renewal of licenses for all boards, commissions, committees and other licensing agencies assigned to the division;

(C) Establishing a system of accounting and budgeting, in cooperation with the director of the department, the Office of Administration and the state auditor's office, to insure proper charges are made to the various boards for services rendered to them;

(D) Collecting and accounting for all monies received by the division and its component agencies and transmitting monies to the Department of Revenue;

(E) Providing each board, commission or committee with all relevant financial information in a timely fashion;

(F) Reviewing the expense vouchers of each board, commission or committee and submitting the results to the board, commission or committee reviewed and to the house and senate appropriations committees annually;

(G) Maintaining for each board, commission, committee or other licensing agency of the division a registry of each person holding a current license, permit or certificate issued by that licensing agency;

(H) Operating a central investigative unit;

(I) Coordinating and supporting the use of microfilm services;

(J) Allocating and assigning facility space, personnel other than board personnel and equipment;

(K) Supervising and directing licensing activities pertaining to the State Committee of Psychologists, the Advisory Committee for Professional Counselors, the Hearing Aid Dealers and Fitters licensing agency, the Office of Athletics and the Office of Employment Agencies; and

(L) Fulfilling all other duties delegated by the Department of Economic Development.

(6) Any person may contact the Division of Professional Registration, 3605 Missouri Blvd., P.O. Box 1335, Jefferson City, MO 65102, telephone number (314) 751-0293 for information.

*AUTHORITY: section 620.010.15(2), RSMo 1986.\* This rule originally filed as 4 CSR 231-1.010. Original rule filed Feb. 9, 1982, effective May 13, 1982. Amended: Filed Jan. 5, 1989, effective April 13, 1989. Moved to 20 CSR 2231-1.010, effective Aug. 28, 2006.*

*\*Original authority: 620.010.15(2), RSMo*

**Title 20—DEPARTMENT OF  
INSURANCE, FINANCIAL  
INSTITUTIONS AND  
PROFESSIONAL REGISTRATION**  
**Division 2231—Division of  
Professional Registration**  
**Chapter 2—Designation of License  
Renewal Dates and Related  
Information**

**20 CSR 2231-2.010 Designation of License Renewal  
Dates and Related Renewal Information**

*PURPOSE: This rule complies with section 620.010.15(2), RSMo which requires the director of the Division of Professional Registration to promulgate rules which designate for each board or commission assigned to the division the renewal date for licenses or certificates and section 620.010.14(6), RSMo which requires the director to be responsible for collecting and accounting for all monies received by the division*

or its component agencies.

(1) For the purposes of this rule, definitions of the following terms are:

(A) Application return date means the date the application for license renewal as completed by the licensee shall be returned to the division;

(B) Board means any board, commission, committee or other licensing agency assigned to the division;

(C) Division means the Division of Professional Registration in the Department of Economic Development;

(D) License means any license, certificate, registration or permit which by statute must be renewed every one, two or three (1, 2 or 3) years as required by statute and/or rule for an individual, partnership or corporation to practice or operate a regulated profession or activity; and

(E) License or certificate renewal date means the calendar day following the date a current license or certificate expires for each licensing period.

(2) The license renewal dates designated for each agency assigned to the division are—

(A) Missouri State Board of Accountancy—

1. CPA—professional corporations, CPA—limited liability companies, CPA—partnerships—November 1; and  
2. Certified public accountants—October 1;

(B) Acupuncturist Advisory Committee—July 1;

(C) Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects—

1. Architects, engineers, land surveyors—January 1;  
2. Landscape architects—January 1; and  
3. Firms/corporations—January 1;

(D) Athletic Trainer Advisory Committee—January 31;

(E) Office of Athletics—July 1;

(F) State Board of Barber Examiners—

1. Barber instructors, barber shops, barbers—March 1; and  
2. Barber schools—March 1;

(G) Missouri State Board of Chiropractic Examiners—March 1;

(H) State Board of Cosmetology—October 1;

(I) The Missouri Dental Board—December 1;

(J) State Committee of Dietitians—April 2;

(K) State Board of Embalmers and Funeral Directors—

1. Embalmers, funeral directors—June 1;  
2. Preneed providers, preneed sellers—November 1; and

3. Funeral establishments—January 1;

(L) Endowed Care Cemeteries—September 1;

(M) Board of Geologist Registration—May 1;

(N) The State Board of Registration for the Healing Arts—February 1;

(O) Missouri Board of Examiners for Hearing Instrument Specialists—January 1;

(P) Interior Design Council—September 1;

(Q) Missouri State Committee of Interpreters—February 1;

(R) State Committee of Marital and Family Therapists—March 1;

(S) Board of Therapeutic Massage—

1. Massage Therapy License—February 1; and

2. Massage Therapy Business License—February 1;

(T) The Missouri State Board of Nursing—

1. Registered nurses—May 1; and

2. Licensed practical nurses—June 1;

(U) Missouri Board of Occupational Therapy—July 1;

(V) The State Board of Optometry—November 1;

(W) Advisory Committee for Clinical Perfusionists—February 1;

(X) The Missouri Board of Pharmacy—

1. Pharmacists, pharmacies—November 1;

2. Pharmacy interns—January 1;

3. Drug distributors—November 1; and

4. Pharmacy technicians—June 1;

(Y) Advisory Commission for Professional Physical Therapists—February 1;

(Z) Advisory Commission for Registered Physician Assistants—February 1;

(AA) State Board of Podiatric Medicine—March 1;

(BB) Committee for Professional Counselors—July 1;

(CC) State Committee of Psychologists—February 1;

(DD) Missouri Real Estate Appraisers Commission—July 1;

(EE) Missouri Real Estate Commission—

1. Association, brokers, broker-associates, broker-officers, broker-partners, corporations, partnerships, inactive brokers, professional corporation-broker salespersons, broker-salepersons—July 1; and  
2. Inactive salespersons, professional corporation-salespersons, salespersons—October 1;

(FF) Missouri Board for Respiratory Care—August 1;

(GG) State Committee for Social Workers—October 1;

(HH) Advisory Committee for Speech Pathologists and Clinical Audiologists—February 1;

(II) Office of Tattooing, Body Piercing and Branding—July 1; and

(JJ) Missouri Veterinary Medical Board—

1. Veterinarians, veterinary technicians—December 1; and

2. Veterinary facilities—April 1.

(3) For the purpose of paying license renewal fees, the following shall apply:

(A) The division will accept cashier's checks, money orders, and personal checks. Negotiable in-

struments should be made payable to the appropriate licensing board. Individuals who use money orders should retain receipt of proof of purchase for at least six (6) months;

(B) Effective as of the date the division has its on-line renewal system in place and fully operating, the division will accept payment by credit card, as defined by section 407.432(4), RSMo, for the purpose of renewing licenses via the Internet. Payment of license renewal fees by credit card shall be restricted to renewal submitted via the Internet only;

(C) Licensees who submit checks which are returned by a bank due to insufficient funds or for similar reasons may be subject to collection or processing charges. Licensees also may be subject to civil monetary penalties or disciplinary actions imposed by the affected board;

(D) Licensees should not make payment for license renewal in cash whether in person or by mail;

(E) Renewal fees are generally nonrefundable. Overpayments may be refundable; and

(F) Where the application for renewal is not completed in a manner acceptable to the appropriate board, or the fee is not included, or the fee is inadequate, or the licensee has not met the statutory or regulatory requirements of the pertinent board, licensees may be withheld until the problem is appropriately resolved. Deposit of the fee does not indicate acceptance of the application or that any licensing requirements have been fulfilled. Licensees may be subject to additional requirements or civil monetary penalties imposed by the appropriate board.

(4) Failure to receive the application renewal forms or notice does not relieve the licensee of the obligation to renew the license to practice in a timely manner.

(5) The provisions of this rule are declared severable. If any provision fixed by this rule is held invalid by a court of competent jurisdiction, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction.

*AUTHORITY: section 620.010.14(2), RSMo Supp. 2003.\* This rule originally filed as 4 CSR 231-2.010. Emergency rule filed Feb. 9, 1982, effective Feb. 19, 1982, expired May 12, 1982. Original rule filed Feb. 9, 1982, effective May 13, 1982. Amended: Filed Jan. 5, 1989, effective April 13, 1989. Emergency amendment filed June 3, 1993, effective June 13, 1993, expired Oct. 10, 1993. Amended: Filed Jan. 29, 1993, effective Sept. 9, 1993. Amended: Filed Nov. 9, 1998, effective June 30, 1999. Amended: Filed March 1, 2001, effective Aug. 30, 2001. Amended: Filed June 16, 2003, effective Dec. 30, 2003. Moved to 20 CSR 2231-2.010, effective Aug. 28, 2006.*

*\*Original authority: 620.010, RSMo 1973, amended 1981, 1983, 1986, 1989, 1990, 1993, 1994, 1995, 1999, 2001.*

## Other General Statutes

### **338.056. Generic substitutions may be made, when, form required for prescription blanks, exception--penalty.**

1. Except as provided in subsection 2 of this section\*, the pharmacist filling prescription orders for drug products prescribed by trade or brand name may select another drug product with the same active chemical ingredients of the same strength, quantity and dosage form, and of the same generic drug type, as determined by the United States Adopted Names and accepted by the Federal Food and Drug Administration. Selection pursuant to this section is within the discretion of the pharmacist, except as provided in subsection 2 of this section\*. The pharmacist who selects the drug product to be dispensed pursuant to this section shall assume the same responsibility for selecting the dispensed drug product as would be incurred in filling a prescription for a drug product prescribed by generic name. The pharmacist shall not select a drug product pursuant to this section unless the product selected costs the patient less than the prescribed product.

2. A pharmacist who receives a prescription for a brand name drug may, unless requested otherwise by the purchaser, select a less expensive generically equivalent product under the following circumstances:

(1) If a written prescription is involved, the prescription form used shall have two signature lines at opposite ends at the bottom of the form. Under the line at the right side shall be clearly printed the words: "Dispense as Written". Under the line at the left side shall be clearly printed the words "Substitution Permitted". The prescriber shall communicate the instructions to the pharmacist by signing the appropriate line. No prescription shall be valid without the signature of the prescriber on one of these lines;

(2) If an oral prescription is involved, the practitioner or the practitioner's agent, communicating the instructions to the pharmacist, shall instruct the pharmacist as to whether or not a therapeutically equivalent generic drug may be substituted. The pharmacist shall note the instructions on the file copy of the prescription.

3. All prescriptions written in the state of Missouri by practitioners authorized to write prescriptions shall be on forms which comply with subsection 2 hereof.

4. Notwithstanding the provisions of subsection 2 of this section to the contrary, a pharmacist may fill a prescription for a brand name drug by substituting a generically equivalent drug when generic substitution is allowed in accordance with the laws of the state where the prescribing practitioner is located.

5. Violations of this section are infractions.

(L. 1978 H.B. 933, A.L. 1996 H.B. 1237)

\*Words "of this section" do not appear in original rolls.

### **338.057. List of nonacceptable substitutions--preparation--publication.**

The board of pharmacy shall publish a list of drug products for which substitution as provided in section 338.056 shall not be permitted. The list of drug products to be included on this list shall be based upon a joint determination made by the department of health and senior services, the state board of registration for the healing arts, and the state board of pharmacy. The board of pharmacy shall publish the list not less often than semiannually, and shall publish amendments to the list as required.

(L. 1978 H.B. 933, A.L. 1997 S.B. 141)

### **338.059. Prescriptions, how labeled.**

1. It shall be the duty of a licensed pharmacist or a physician to affix or have affixed by someone under the pharmacist's or physician's supervision a label to each and every container provided to a consumer in which is placed any prescription drug upon which is typed or written the following information:

(1) The date the prescription is filled;

(2) The sequential number;

(3) The patient's name;

- (4) The prescriber's directions for usage;
- (5) The prescriber's name;
- (6) The name and address of the pharmacy;
- (7) The exact name and dosage of the drug dispensed;
- (8) There may be one line under the information provided in subdivisions (1) to (7) of this subsection stating "Refill" with a blank line or squares following or the words "No Refill";
- (9) When a generic substitution is dispensed, the name of the manufacturer or an abbreviation thereof shall appear on the label or in the pharmacist's records as required in section 338.100.

2. The label of any drug which is sold at wholesale in this state and which requires a prescription to be dispensed at retail shall contain the name of the manufacturer, expiration date, if applicable, batch or lot number and national drug code.

(L. 1971 S.B. 145, A.L. 1973 S.B. 42, A.L. 1978 H.B. 933, A.L. 1997 S.B. 141)

## **Chapter 191** **Health And Welfare**

### **191.227. Medical records to be released to patient, when, exception--fee permitted, amount--liability of provider limited--annual handling fee adjustment.**

1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his or her record of that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a fee as provided in this section.

2. Health care providers may condition the furnishing of the patient's health care records to the patient, the patient's authorized representative or any other person or entity authorized by law to obtain or reproduce such records upon payment of a fee for:

- (1) Copying, in an amount not more than seventeen dollars and five cents plus forty cents per page for the cost of supplies and labor;
- (2) Postage, to include packaging and delivery cost; and
- (3) Notary fee, not to exceed two dollars, if requested.

3. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of health care record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

4. The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section.

5. Effective February first of each year, the fees listed in subsection 2 of this section shall be increased or decreased annually based on the annual percentage change in the unadjusted, U.S. city average, annual average inflation rate of the medical care component of the Consumer Price Index for All Urban Consumers (CPI-U). The

current reference base of the index, as published by the Bureau of Labor Statistics of the United States Department of Labor, shall be used as the reference base. For purposes of this subsection, the annual average inflation rate shall be based on a twelve-month calendar year beginning in January and ending in December of each preceding calendar year. The department of health and senior services shall report the annual adjustment and the adjusted fees authorized in this section on the department's Internet web site by February first of each year.

(L. 1988 H.B. 925 § 1, A.L. 1994 H.B. 1427, A.L. 2002 S.B. 923, et al., A.L. 2005 H.B. 232)  
*CROSS REFERENCE:*

*Child's medical records to be released to parents, attorney's fees and costs assessed, when, RSMo 452.375*

## **OCCUPATIONS AND PROFESSIONS GENERAL PROVISIONS**

### **324.010. No delinquent taxes, condition for renewal of certain professional licenses.**

All governmental entities issuing professional licenses, certificates, registrations, or permits pursuant to sections 209.319 to 209.339, RSMo, sections 214.270 to 214.516, RSMo, sections 256.010 to 256.453, RSMo, section 375.014, RSMo, sections 436.005 to 436.071, RSMo, and chapter 317, RSMo, and chapters 324 to 346, RSMo, shall provide the director of revenue with the name and Social Security number of each applicant for licensure with or licensee of such entities within one month of the date the application is filed or at least one month prior to the anticipated renewal of a licensee's license. If such licensee is delinquent on any state taxes or has failed to file state income tax returns in the last three years, the director shall then send notice to each such entity and licensee. In the case of such delinquency or failure to file, the licensee's license shall be suspended within ninety days after notice of such delinquency or failure to file, unless the director of revenue verifies that such delinquency or failure has been remedied or arrangements have been made to achieve such remedy. The director of revenue shall, within ten business days of notification to the governmental entity issuing the professional license that the delinquency has been remedied or arrangements have been made to remedy such delinquency, send written notification to the licensee that the delinquency has been remedied. Tax liability paid in protest or reasonably founded disputes with such liability shall be considered paid for the purposes of this section.

(L. 2003 H.B. 600 § 2) A.L. 2004 H.B. 978

*Effective 8-28-04*

## **MARRIAGE, MARRIAGE CONTRACTS, AND RIGHTS OF MARRIED WOMEN**

### **451.040. Marriage license required, waiting period--application, contents--license void when--common law of marriages void--lack of authority to perform marriage, effect.**

1. Previous to any marriage in this state, a license for that purpose shall be obtained from the officer authorized to issue the same, and no marriage contracted shall be recognized as valid unless the license has been previously obtained, and unless the marriage is solemnized by a person authorized by law to solemnize marriages.

2. Before applicants for a marriage license shall receive a license, and before the recorder of deeds shall be authorized to issue a license, the parties to the marriage shall present an application for the license, duly executed and signed in the presence of the recorder of deeds or their deputy. Each application for a license shall contain the Social Security number of the applicant, provided that the applicant in fact has a Social Security number, or the applicant shall sign a statement provided by the recorder that the applicant does not have a Social Security number. The Social Security number contained in an application for a marriage license shall be exempt from examination and copying pursuant to section 610.024, RSMo. After the receipt of the application the recorder of deeds shall issue the license, unless one of the parties withdraws the application. The license shall be void after thirty days from the date of issuance.

3. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

4. Common-law marriages shall be null and void.

5. Provided, however, that no marriage shall be deemed or adjudged invalid, nor shall the validity be in any way affected for want of authority in any person so solemnizing the marriage pursuant to section 451.100, if consummated with the full belief on the part of the persons, so married, or either of them, that they were lawfully joined in marriage.

(RSMo 1939 § 3364, A.L. 1943 p. 639, A.L. 1974 H.B. 981, A.L. 1978 H.B. 1634, A.L. 1981 S.B. 21 & 113, A.L. 1986 H.B. 931, A.L. 1997 S.B. 361, A.L. 1998 H.B. 987, A.L. 2001 H.B. 157, A.L. 2007 S.B. 22)  
Prior revisions: 1929 § 2977; 1919 § 7302; 1909 § 8283

## ENFORCEMENT OF SUPPORT LAW

### **454.1000. Definitions.**

As used in sections 454.1000 to 454.1025, the following terms mean:

- (1) "Arrearage", the amount created by a failure to provide:
  - (a) Support to a child pursuant to an administrative or judicial support order; or
  - (b) Support to a spouse if the judgment or order requiring payment of spousal support also requires payment of child support and such spouse is the custodial parent;
- (2) "Child", a person for whom child support is due pursuant to a support order;
- (3) "Court", any circuit court of the state that enters a support order or a circuit court in which such order is registered or filed;
- (4) "Director", the director of the division of child support enforcement;
- (5) "Division", the division of child support enforcement of the department of social services;
- (6) "IV-D case", a case in which support rights are assigned to the state pursuant to section 208.040, RSMo, or the division is providing support enforcement services pursuant to section 454.425;
- (7) "License", a license, certificate, registration or authorization issued by a licensing authority granting a person a right or privilege to engage in a business, occupation, profession, recreation or other related privilege that is subject to suspension, revocation, forfeiture or termination by the licensing authority prior to its date of expiration, except for any license issued by the department of conservation. Licenses include licenses to operate motor vehicles pursuant to chapter 302, RSMo, but shall not include motor vehicle registrations pursuant to chapter 301, RSMo;
- (8) "Licensing authority", any department, except for the department of conservation, division, board, agency or instrumentality of this state or any political subdivision thereof that issues a license. Any board or commission assigned to the division of professional registration is included in the definition of licensing authority;
- (9) "Obligee":
  - (a) A person to whom payments are required to be made pursuant to a support order; or
  - (b) A public agency of this or any other state which has the right to receive current or accrued support payments or provides support enforcement services pursuant to this chapter;
- (10) "Obligor", a person who owes a duty of support;
- (11) "Order suspending a license", an order issued by a court or the director to suspend a license. The order shall

contain the name of the obligor, date of birth of the obligor, the type of license and the Social Security number of the obligor;

(12) "Payment plan" includes, but is not limited to, a written plan approved by the court or division that incorporates an income withholding pursuant to sections 452.350, RSMo, and 454.505 or a similar plan for periodic payment of an arrearage, and current and future support, if applicable;

(13) "Support order", an order providing a determinable amount for temporary or final periodic payment of support. Such order may include payment of a determinable amount of insurance, medical or other expenses of the child issued by:

(a) A court of this state;

(b) A court or administrative agency of competent jurisdiction of another state, an Indian tribe, or a foreign country; or

(c) The director of the division.

*(L. 1997 S.B. 361)*

*Effective 7-1-97*

**454.1003. Suspension of a professional or occupational license, when, procedure.**

1. A court or the director of the division of child support enforcement may issue an order, or in the case of a business, professional or occupational license, only a court may issue an order, suspending an obligor's license and ordering the obligor to refrain from engaging in a licensed activity in the following cases:

(1) When the obligor is not making child support payments in accordance with a court order and owes an arrearage in an amount greater than or equal to three months support payments or two thousand five hundred dollars, whichever is less, as of the date of service of a notice of intent to suspend such license; or

(2) When the obligor or any other person, after receiving appropriate notice, fails to comply with a subpoena of a court or the director concerning actions relating to the establishment of paternity, or to the establishment, modification or enforcement of support orders, or order of the director for genetic testing.

2. In any case but a IV-D case, upon the petition of an obligee alleging the existence of an arrearage, a court with jurisdiction over the support order may issue a notice of intent to suspend a license. In a IV-D case, the director, or a court at the request of the director, may issue a notice of intent to suspend.

3. The notice of intent to suspend a license shall be served on the obligor personally or by certified mail. If the proposed suspension of license is based on the obligor's support arrearage, the notice shall state that the obligor's license shall be suspended sixty days after service unless, within such time, the obligor:

(1) Pays the entire arrearage stated in the notice;

(2) Enters into and complies with a payment plan approved by the court or the division; or

(3) Requests a hearing before the court or the director.

4. In a IV-D case, the notice shall advise the obligor that hearings are subject to the contested case provisions of chapter 536, RSMo.

5. If the proposed suspension of license is based on the alleged failure to comply with a subpoena relating to paternity or a child support proceeding, or order of the director for genetic testing, the notice of intent to suspend shall inform the person that such person's license shall be suspended sixty days after service, unless the person complies with the subpoena or order.

6. If the obligor fails to comply with the terms of repayment agreement, a court or the division may issue a notice of intent to suspend the obligor's license.

7. In addition to the actions to suspend or withhold licenses pursuant to this chapter, a court or the director of the

division of child support enforcement may restrict such licenses in accordance with the provisions of this chapter.

(L. 1997 S.B. 361)

Effective 7-1-97

**454.1005. Hearing to show cause for suspension of a license, procedure.**

1. To show cause why suspension of a license may not be appropriate, the obligor shall request a hearing from the court or division that issued the notice of intent to suspend the license. The request shall be made within sixty days of the date of service of notice.

2. If an obligor fails to respond, without good cause, to a notice of intent to suspend a license, timely request a hearing or comply with a payment plan, the obligor's defenses and objections shall be considered to be without merit and the court or director may enter an order suspending the obligor's license and ordering the obligor to refrain from engaging in the licensed activity.

3. Upon timely receipt of a request for hearing from an obligor, the court or director shall schedule a hearing to determine if suspension of the obligor's license is appropriate. The court or director shall stay suspension of the license pending the outcome of the hearing.

4. If the action involves an arrearage, the only issues that may be determined in a hearing pursuant to this section are:

(1) The identity of the obligor;

(2) Whether the arrearage is in an amount greater than or equal to three months of support payments or two thousand five hundred dollars, whichever is less, by the date of service of a notice of intent to suspend; and

(3) Whether the obligor has entered a payment plan.

If the action involves a failure to comply with a subpoena or order, the only issues that may be determined are the identity of the obligor and whether the obligor has complied with the subpoena or order.

5. If the court or director, after hearing, determines that the obligor has failed to comply with any of the requirements in subsection 4 of this section, the court or director shall issue an order suspending the obligor's license and ordering the obligor to refrain from engaging in the licensed activity.

6. The court or division shall send a copy of the order suspending a license to the licensing authority and the obligor by certified mail.

7. The determination of the director, after a hearing pursuant to this section, shall be a final agency decision and shall be subject to judicial review pursuant to chapter 536, RSMo. Administrative hearings held pursuant to this section shall be conducted by hearing officers appointed by the director of the department pursuant to subsection 1 of section 454.475.

8. A determination made by the court or division pursuant to this section is independent of any proceeding of the licensing authority to suspend, revoke, deny, terminate or renew a license.

(L. 1997 S.B. 361)

Effective 7-1-97

**454.1008. Licensing authority's responsibilities upon receipt of a suspension order.**

1. Upon receipt of an order suspending a license, a licensing authority shall:

(1) Determine if the licensing authority has issued a license to the obligor whose name appears on the order;

(2) Enter the suspension as effective from the date of the order issued by the court or division;

(3) Issue the notice of the suspension to the licensee; and

(4) If required by law, demand surrender of the suspended license.

2. An order issued by a court or the director suspending a license shall be processed by the licensing authority without any additional review or hearing by such licensing authority.

3. Notwithstanding the provisions of any other law regarding the suspension, revocation, denial, termination or renewal of a license to the contrary, an order issued by a court or the director suspending a license shall be implemented by the licensing authority and continue until the court or division advises the licensing authority that such suspension has been stayed or terminated. The obligor may not appeal the suspension of a license pursuant to sections 454.1000 to 454.1025 pursuant to any other law, including, but not limited to, section 302.311, RSMo. The exclusive procedure for appeal is provided in sections 454.1000 to 454.1025.

4. If a license is suspended, any funds paid by the obligor to the licensing authority for costs related to issuance, renewal or maintenance of a license shall not be refunded to the obligor.

5. Unless acting pursuant to an order of a court or the director which stays the suspension of a license, an obligor who continues to engage in the business, occupation, profession or other licensed activity while the license is suspended pursuant to this section is guilty of a class A misdemeanor, unless a penalty is otherwise provided. The division or the licensing authority may refer the obligor to the appropriate prosecuting or circuit attorney or the attorney general for prosecution pursuant to this section in addition to any other remedy provided by law for engaging in a licensed activity without a license or while a license is suspended.

6. The licensing authority shall be exempt from liability to the licensee for activities conducted pursuant to this section.

7. The licensing authority shall not modify, remand, reverse, vacate or stay an order of the court or director suspending a license.

8. If the license suspended is a driver's license, the obligor shall have no rights pursuant to section 302.311, RSMo.

(L. 1997 S.B. 361)

Effective 7-1-97

**454.1010. Petition to stay a suspension, grounds, procedure--reinstatement fee required, when.**

1. An obligor may, at any time, petition a court or the director for an order to stay the suspension of a license. Any petition seeking to stay an order of the director shall be served on the director.

2. The court or director may consider the obligor's petition for a stay separately from any determination on the suspension of a license.

3. The court, but not the director, may stay suspension of a license upon a showing that a suspension or continued suspension of a license would create a significant hardship to the obligor, the obligor's employees, any legal dependents residing in the obligor's household, or persons, businesses or other entities served by the obligor.

4. The court or director may stay suspension of a license upon entry of a payment plan or receipt of adequate assurance that the obligor shall comply with an existing payment plan.

5. A stay shall terminate if:

(1) A court determines that the significant hardship circumstance pursuant to subsection 3 of this section has ended;

(2) The court or division determines that the obligor has failed to abide by the terms and conditions of a payment plan; or

(3) The order staying suspension of a license has a termination date and such date has been reached.

6. If the licensing authority is notified of an order suspending a license, the court or division shall send a copy of any order staying or reimposing suspension of the license to the licensing authority and the obligor by certified mail.

7. Upon receipt of an order staying or reimposing suspension of the license, the licensing authority shall:

(1) Enter the information on appropriate records;

(2) Issue notice of the action to the licensee; and

(3) If required by law, demand surrender of the suspended license or return the reinstated license.

8. No additional action by the licensing authority shall be required to implement a stay or reinstatement of suspension of a license.

9. This section shall be the exclusive remedy for the obligor to obtain an order staying suspension of a license pursuant to sections 454.1000 to 454.1025. Any other provisions providing for the issuance of hardship licenses, including, but not limited to, those provided in section 302.309, RSMo, do not apply to suspensions pursuant to sections 454.1000 to 454.1025.

10. No person shall be required to file proof of financial responsibility with the department of revenue as a condition of reinstatement of a driver's license suspended solely pursuant to the provisions of sections 454.1000 to 454.1025.

11. Any person whose license to operate a motor vehicle in this state has been suspended pursuant to this section shall, before having the license reinstated, pay to the director of revenue a reinstatement fee of twenty dollars.

*(L. 1997 S.B. 361)*

*Effective 7-1-97*

**454.1013. Termination of an order of suspension, when--new termination order may be issued, when.**

1. If a court or the division determines that an arrearage has been paid in full, or the obligor has complied with the subpoena or order of the director, the court or division shall terminate the order suspending the license and immediately send a copy of the order terminating the suspension of the license to the licensing authority and the obligor by certified mail.

2. Entry of an order terminating suspension of a license shall not prevent a court or the director from issuing a new order suspending the license of the same obligor in the event of another arrearage.

*(L. 1997 S.B. 361)*

*Effective 7-1-97*

**454.1015. Fee charged by licensing authority for administrative costs permitted.**

A licensing authority may charge the obligor a reasonable fee for the administrative costs incurred by such licensing authority in taking action against the obligor's license pursuant to sections 454.1000 to 454.1025.

*(L. 1997 S.B. 361)*

*Effective 7-1-97*

**454.1020. Standards for licensure information provided to the division, method, contents.**

1. Upon request by the division, all state licensing authorities subject to sections 454.1000 to 454.1025 shall provide specified information, on magnetic tape or other machine-readable form, to the division pursuant to the standards established by the division regarding applicants for licensure and all current licenses. Such information shall include the following, if available:

(1) Name;

(2) Address of record;

- (3) Date of birth;
- (4) Federal employer identification number or Social Security number;
- (5) Type of license;
- (6) Effective date of the license or renewal;
- (7) Expiration date of the license; and
- (8) Active or inactive status.

2. All licensing authorities not providing the information required by subsection 1 of this section shall, upon request by the division, provide such information in any readable format for any licensee of the licensing authority.

3. The provisions of this section shall, at no time, preclude the division from requesting the information provided by a licensing authority pursuant to section 454.440, RSMo.

*(L. 1997 S.B. 361)  
Effective 7-1-97*

**454.1029. No suspension of licenses while obligor honors the support agreement.**

For obligors that have been making regular child support payments in accordance with an agreement entered into with the division of child support enforcement, the license shall not be suspended while the obligor honors such agreement.

*(L. 1997 S.B. 361 § 3)  
Effective 7-1-97*

**454.1031. Penalties for denial or interference with visitation or custody.**

All penalties that apply to an obligor in sections 454.1000 to 454.1029 shall also apply to any person who has, without good cause as determined by a court with jurisdiction, denied or interfered with any order for visitation or custody for two or more consecutive periods. Any such penalties shall be imposed by a court with jurisdiction, and may be modified or vacated by the court for good cause shown, and the division shall have no jurisdiction over such matters.

*(L. 1998 S.B. 910)*